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1998

Illinois Register

Rules of Governmental Agencies

Volume 22, Issue 52—December 28, 1998

Pages 22,158 – 22,443

Index Department
Administrative Code Div.
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published by
George H. Ryan
Secretary of State

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April	17, 1998 - Issue 16: Through	March	31, 1998
July	17, 1998 - Issue 29: Through	June	30, 1998
October	16, 1998 - Issue 42: Through	September	30, 1998
January	15, 1999 - Issue 3: Through	December	31, 1998 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1998

Material Rec'd before 4:30 p.m. on:	Will be in Issue #:	Published on:
July 13, 1998	30	July 24, 1998
July 20, 1998	31	July 31, 1998
July 28, 1998	32	Aug. 7, 1998
Aug. 3, 1998	33	Aug. 14, 1998
Aug. 10, 1998	34	Aug. 21, 1998
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Nov. 16, 1998	48	Nov. 30, 1998
Nov. 23, 1998	49	Dec. 4, 1998
Nov. 30, 1998	50	Dec. 11, 1998
Dec. 7, 1998	51	Dec. 18, 1998
Dec. 14, 1998	52	Dec. 28, 1998
Dec. 21, 1998	1	Jan. 4, 1999
Dec. 28, 1998	2	Jan. 8, 1999

*Please note: If the state holiday falls on a Monday, the deadline will be 12 noon on Tuesday (the next day).

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Compliance Certification for Underground Storage Tanks
- 2) Code Citation: 41 Ill. Adm. Code 171
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
171.10	New Section
171.50	New Section
171.70	New Section
171.90	New Section
171.100	New Section
171.110	New Section
171.120	New Section
171.150	New Section
171.160	New Section
171.180	New Section
171.200	New Section

- 4) Statutory Authority: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 3.5 of the Gasoline Storage Act [430 ILCS 15/3.5]

- 5) A Complete Description of the Subjects and Issues Involved: These rules are applicable to owners and operators of underground storage tanks containing petroleum, petroleum products and other regulated substances and those who deposit regulated substances in such tanks. Tanks containing hazardous substances and petroleum other than motor fuel have until March 31, 1999 to obtain a certification of compliance status but must still comply with the regulations at 41 Ill. Adm. Code 170. Heating oil tanks have until August 31, 1999 to obtain evidence of compliance status.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other amendments pending on this part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a state mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking.

Written comments may be submitted within 45 days to:

John J. Pavlou, Chief Counsel

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULES

Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield IL 62703-4259
(217)785-1031
jpavlou@pop.state.il.us

(Send e-mail comments as attachments in MS Word 6.01 Macintosh format only; other formats will not be readable.)

- 12) Initial Regulatory Flexibility Analysis: The Office of the State Fire Marshal considered the various proposals and problems from the regulated industries and believes that the current proposal has the least associated cost and regulatory burden. The Office is interested in the comments of small businesses and local governments on how to best implement the rules with the least regulatory burden; comments from small businesses and local governments should so indicate.

The full text of the proposed rules is identical to the text of the emergency rule that appears on page _____ of this Illinois Register.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: White-Tailed Deer Hunting by Use of Firearms
- 2) Code Citation: 17 Ill. Adm. Code 650
- 3) Section Numbers: Proposed Action:
 650.21 Amendments
 650.22 Amendments
 650.60 Amendments
 650.65 Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

5) A Complete Description of the Subjects and Issues Involved:

This Part is being amended to update the list of sites open to hunting and to add new site regulations.

- 6) Will this rulemaking replace any emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
 Department of Natural Resources
 524 S. Second Street
 Springfield IL 62701-1787
 217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: There is no effect on small businesses, small municipalities and not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:
 None

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rule was summarized: July 1998
- The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER b: FISH AND WILDLIFE

PART 650

WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section	
650.20	Statewide Deer Permit Requirements
650.21	Deer Permit Requirements - Landowner/Tenant Permits
650.22	Deer Permit Requirements - Special Hunts
650.23	Deer Permit Requirements - Group Hunt
650.30	Statewide Firearms Requirements
650.40	Statewide Deer Hunting Rules
650.50	Rejection of Application/Revocation of Permits
650.60	Regulations at Various Department-Owned or -Managed Sites
650.65	Youth Hunt
650.67	Special Hunts for Disabled Hunters
650.70	Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified at 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendment at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468, effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995; amended at 20 Ill. Reg. 7515, effective May 20, 1996; amended at 21 Ill. Reg. 5572, effective April 19, 1997; amended at 21 Ill. Reg. 9116, effective June 26, 1997; amended at 22 Ill. Reg. 8007, effective April 28, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 650.21 Deer Permit Requirements - Landowner/Tenant Permits

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NOTICE OF PROPOSED AMENDMENTS

- a) The immediate family of a landowner or tenant is defined as, and limited to, the spouse, children, or parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.
- c) Resident and nonresident Illinois landowners who own 40 acres or more of land, and resident tenants leasing or renting 40 acres or more of commercial agricultural lands may apply for a county-wide paid landowner either-sex permit to hunt in the county where the land is located. Members of the immediate family of the landowner or tenant are also eligible to apply for a county-wide paid landowner Firearm Deer permit. Incomplete applications will be returned. The fee for a county-wide either-sex paid landowner deer permit shall be \$15 for residents and \$100 for nonresidents. These applications will not be subject to the public lottery process.
- d) Resident Illinois landowners who own 40 acres or more of land and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free either-sex permit for their property only in counties open for firearm deer hunting. Recipients of the free either-sex permit will also be given a free antlerless-only permit for their property only. Nonresident Illinois landowners (of 40 acres or more land) are also eligible to apply for one either-sex permit and one antlerless-only permit for their property only. The fee to nonresident Illinois landowners (of 40 acres or more land) for permits for their property only shall be \$50 for the either-sex permit and \$25 for the antlerless-only permit. These applications will not be subject to the public lottery process. This deer hunting permit shall be valid on all farmlands which the person to whom it is issued owns, leases or rents [525 ILCS 5/2.26] in counties open for firearm deer hunting.
- e) Date of acceptance of landowner/tenant property-only permit applications will be publicly announced. Applications for county-wide paid permits must be submitted by the last weekday in April.
- f) Landowners and resident tenants are not required to participate in the public drawing for permits.
- g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
 - 1) Submittal of a copy of property deed;
 - 2) Submittal of a copy of contract for deed;
 - 3) Submittal of a copy of the most recent real estate tax statement for the property (upon which the landowner's name appears as landowner, or person signing application appears as landowner);
 - 4) Submittal of a copy of a Farm Service Agency 156EZ form; or
 - 5) Submittal of a copy of a trust agreement which must indicate that

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.

- i) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:

- 1) A copy of a lease or a rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
- 2) A copy of a Farm Service Agency 156EZ form.
- j) A hunting rights lease, or other non-agricultural lease, is not valid as a basis for obtaining a landowner or tenant permit.
- j) County-wide permit holders are authorized to firearm deer hunt only in the county identified on the deer permit and only on property where permission to hunt has been obtained from the property owner.
- k) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) shall be issued a permit on a first-come, first-serve basis for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.

- l) Shareholders of corporations owning 40 or more acres of land in a county may apply for one either-sex permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a permit by the shareholders of the trustee. If application is made for a permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder either-sex permit shall be free to resident shareholders, and the cost to nonresident shareholders shall be \$50.00. An antlerless-only shareholder permit (free to resident shareholders; \$25 to nonresident shareholders) will be made available if in the best interest of managing the deer herd.

- m) Landowners or tenants that apply for or receive Landowner/Tenant Firearm Deer Permits may not apply for additional permits in the First or Second Lottery Drawing.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 650.22 Deer Permit Requirements - Special Hunts

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NOTICE OF PROPOSED AMENDMENTS

- a) Special hunt sites are defined as those sites which are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for deer hunting, which issue deer hunting permits through the statewide lottery process. The Permit Office issues deer hunting permits through a computerized drawing for sites listed below, in addition to the Department-owned or -managed sites listed in Section 650.60(h). The permit preference system does not apply to special hunt areas or to State sites allocating permits in the lottery.

- 1) CILCO Duck Creek (Fulton County, first season only)
 - 2) CILCO Duck Creek Handicapped (Fulton County, first and second season only)
 - 3) Crab Orchard National Wildlife Refuge (the first and second season are considered separate hunt choices, and permit applicants must specify which season they are applying for in the County Choice or Hunt Area field of the application. Permits may be issued as antlerless-only without the normal bonus requirement. Standby hunting will be allowed if additional permits are available at the site)
 - 4) Crab Orchard National Wildlife Refuge - Disabled Hunt (first season only)
 - 5) ~~Joint-Army-Ammunition-Plant~~ (Will County)
 - 5) Joliet Army Training Area (Will County)
 - 6) Lake Shelbyville Project Lands (Moultrie County)
 - 7) Lake Shelbyville Project Lands except Wolf Creek State Park (Shelby County)
 - 8) Midway National Tallgrass Prairie (permits may be issued as antlerless-only without normal bonus requirements) (4)
 - 9) Savanna Army Depot (Jo Daviess County)
 - 10) Touch of Nature - Southern Illinois University - disabled hunt (Jackson County, second season only)
- b) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources, or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 650.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) Only one tree stand is allowed per deer permit holder. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended

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from September 15 - January 31 at those sites listed in this Section that are followed by a (1).

c) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).

d) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (3).

e) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (4).

f) Youth hunters must be accompanied by a parent or legal guardian while hunting at those sites listed in this Section followed by a (6). Also, the parent or guardian may hunt if he or she has a valid firearm deer permit for the county in which the specific site is located.

g) Statewide regulations shall apply at the following sites:

Burns Habitat Area (quota filled by drawing from hunters with Fox Ridge State Park firearm permits)

Cache River State Natural Area (1) (2)

Campbell Pond (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands)

Carlyle Lake Wildlife Management Area (except subimpoundment area)

Chauncey Marsh (1) (2)

Crawford County Conservation Area (1) (2)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (muzzleloading rifles only) (1) (2)

Giant City State Park (1) (2)

Hamilton County Conservation Area (1) (2)

Horseshoe Lake Conservation Area - Alexander County (all portions

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of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

1-24 Wildlife Management Area (1) (2)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed during duck season) (2, except south of Highway 154 and north of Highway 13)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Mermet Lake Conservation Area (1) (2)

Mississippi Fish and Waterfowl Management Area - Pools 25 and 26

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Newton Lake Fish and Wildlife Area (2)

Oakford Conservation Area (1)

Pere Marquette State Park (hunting in designated areas only) (2)

Rend Lake State Fish and Wildlife Area

Saline County Fish and Wildlife Area (1) (2)

Sangamon County Conservation Area

Sanganois State Wildlife Area (1)

Ten Mile Creek Fish and Wildlife Area (1); Belle River Unit only (3)

Trail of Tears State Forest (1) (2)

Turkey Bluffs Fish and Wildlife Area (1) (2)

Union County Conservation Area (Firing Line Unit only) (1) (2)

Weinberg-King State Park (2)

Wildcat Hollow State Forest (1)

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b)g† Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (5). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, unless exempt. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5. All hunters must check out and report harvest.

Apple River Canyon State Park - Thompson and Salem

Units (first or second season only) (2)

Argyle Lake Recreation Area (5)

Be all Woods State Park (first or second season only; antlerless deer only) (1) (2) (5)

Big River State Forest (5)

Castle Rock State Park (first or second season only) (antlerless only) (1) (2) (5)

Coffee Lake State Fish and Wildlife Area (first season only)

Coffee Lake State Fish and Wildlife Area (second season only)

Des Plaines Conservation Area (first season only) (2) (5)

East Conant Field (1) (3)

Fort Massac State Park (second season only) (antlerless deer only) (2)

Fox Ridge State Park

Goose Lake Prairie State Park (tree stands not allowed; first or second season only; antlerless deer only; "Texas" style tripod stands allowed) (2) (5)

Green River State Wildlife Area (first season only) (1) (2) (5)

Harry "Babe" Woodyard State Natural Area (2) (3)

Heidecke State Fish and Wildlife Area (first or second season

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only) (2) (4) (5)

Hidden Springs State Forest

Horseshoe Lake Conservation Area - Alexander County (Refuge, last Saturday in October; antlerless only) (5)

Iroquois County Conservation Area/Hooper Branch (first season only) (2) (5)

Iroquois County Conservation Area - Hooper Branch only (second season only) (2) (5)

Kickapoo State Park-(2)-(5)

Lake--Be-Aqua-Na--State--Park--(second season only;--antlerless--deer only)--(5)

Lowden-Miller State Forest (first season only) (1) (2) (3) (5)

Lowden-Miller State Forest (second season only) (1) (2) (3) (5)

Mackinaw River Fish and Wildlife Area (1) (2) (5)

Marseilles Wildlife Area (1) (2) (5)

Marshall Fish and Wildlife Area (2) (5)

Middle-Fork-Fish-and-Wildlife-Area-(2)-(5)

Mississippi Palisades State Park (first season only)

Momence Wetlands

Morrison Rockwood State Park (first season only) (5)

Panther Creek Conservation Area (1) (2) (3)

Pyramid State Park (1) (2)

Ray Norbut Conservation Area (2) (5)

Sand Ridge State Forest (1) (2)

Sate-Field-(1)-(3)

Siloam Springs State Park (2) (3)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Site M (1) (2) (3)

~~Starved-Rock/Matthiessen-State-Park-(first-or-second-season-only-antlerless-deer-only)-(1)-(2)-(3)-(4)-(5))~~

Tapley Woods State Natural Area (first or second season only) (2)

~~Union-County-Conservation-Area-(Refuge-only,--last--Saturday--in October)~~

Witkowski Wildlife Area (first or second season only) (2)

Wolf Creek State Park (3)

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 650.65 Youth Hunt

Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Shooting is allowed from elevated tree stands only. Applicants must be between the ages of 10-15.

Crab Orchard National Wildlife Refuge (second season only) (1) (2)

Fort Massac State Park (first season only) (1) (2)

~~Lake-be-Aqua-Na-State-Park-(first-season-only)-(1)-(2)~~

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: White-Tailed Deer Hunting by Use of Muzzleloading Rifles

2) Code Citation: 17 Ill. Adm. Code 660

3) Section Numbers: 660.60
Proposed Action: Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code (520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36).

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to clarify site regulations at Rend Lake Fish and Wildlife Area and to open Midewin National Tallgrass Prairie to hunting.

6) Will this rulemaking replace any emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: There is no effect on small businesses, small municipalities and not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

13) Regulatory Agenda on which this rule was summarized: July 1998

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION

CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 660

WHITE-TAILED DEER HUNTING BY USE
OF MUZZLELOADING RIFLES

Section

- 660.10 Statewide Season and Permit Quotas
- 660.20 Statewide Deer Permit Requirements
- 660.21 Deer Permit Requirements - Free Landowner/Tenant Permits
- 660.22 Deer Permit Requirements - Special Hunts
- 660.25 Deer Permit Requirements - Group Hunt
- 660.30 Statewide Muzzleloading Rifle Requirements
- 660.40 Statewide Deer Hunting Rules
- 660.45 Reporting Harvest
- 660.50 Rejection of Application/Revocation of Permits
- 660.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992; amended at 17 Ill. Reg. 10865, effective July 1, 1993; amended at 18 Ill. Reg. 5878, effective April 5, 1994; amended at 18 Ill. Reg. 13435, effective August 23, 1994; amended at 19 Ill. Reg. 6500, effective April 28, 1995; amended at 20 Ill. Reg. 6734, effective May 6, 1996; amended at 21 Ill. Reg. 5583, effective April 19, 1997; amended at 21 Ill. Reg. 9122, effective June 26, 1997; amended at 22 Ill. Reg. 8026, effective April 28, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 660.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15 - January 31 at those sites listed in this Section that are followed by a (1).
- c) Check-in, check-out and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- d) Handicapped preferred hunting opportunities are provided at those

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sites listed in this Section that are followed by a (3).
 e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).

f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).

g) Statewide regulations shall apply at the following sites:

- Cache River State Natural Area (1) (2)
- Campbell Pond Fish and Wildlife Area (1) (2)
- Carlyle Lake Wildlife Management Area except subimpoundment areas
- Carlyle Lake Lands and Waters - Corps of Engineers managed lands
- Chauncey Marsh (1) (2)
- Crawford County Fish and Wildlife Area (1) (2)
- Cypress Creek National Wildlife Refuge
- Cypress Pond State Natural Area (1) (2)
- Dog Island Wildlife Management Area (1) (2)
- Ferne Clyffe State Park (1) (2)
- Fort de Chartres Historic Site (1) (2)
- Giant City State Park (1) (2)
- Hamilton County Fish and Wildlife Area (1) (2)
- Horseshoe Lake Conservation Area - Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)
- I-24 Wildlife Management Area (1) (2)
- Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area is closed during duck season) (2, except south of Highway 154 and north of Highway 13)
- Kickapoo State Park (closed during second firearm deer season) (1) (2)

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Kinkaid Lake Fish and Wildlife Area (1) (2)

Mermet Lake Conservation Area (1) (2)

Middle Fork Fish and Wildlife Area (closed during second firearm deer season) (1) (2)

Mississippi River Pool 16 (1)

Mississippi River Pool 17 (1)

Mississippi River Pool 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mississippi Fish and Waterfowl Management Area - Pools 25 and 26

Oakford Conservation Area (1)

Panther Creek Conservation Area (1) (2) (4)

Pere Marquette State Park (hunting in designated area only) (2)

Pyramid State Park (1) (2)

Ray Norbut Conservation Area (2)

Rend Lake Fish and Wildlife Area (1)

Saline County Fish and Wildlife Area (1) (2)

Sand Ridge State Forest (1) (2)

Sanganois Fish and Wildlife Area (1)

Ten Mile Creek Fish and Wildlife Area (1); Belle Rive Unit only (4)

Trail of Tears State Forest (1) (2)

Turkey Bluffs Fish and Wildlife Area (1) (2)

Union County Conservation Area (Firing Line Unit only) (1) (2)

Weinberg-King State Park (2)

Wildcat Hollow State Forest (1)

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h) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (6). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, if required. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5. All hunters must check out and report harvest.

Castle Rock State Park (closed during second firearm season; antlerless deer only) (2) (6)

East Conant Field (1) (4)

Hidden Springs State Forest (closed during second firearm deer season) (1) (2)

Midwin National Tallgrass Prairie (not allowed during the second firearm deer season) (5) (6)

Sato Field (1) (4)

Tapley Woods State Natural Area (closed during the second firearm deer season)

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Hospital/Medical/Infectious Waste Incinerators

2) Code Citation: 35 Ill. Adm. Code 229

3) Section Numbers: Proposed Action:

229.100	New
229.102	New
229.104	New
229.110	New
229.112	New
229.115	New
229.116	New
229.120	New
229.125	New
229.126	New
229.130	New
229.140	New
229.142	New
229.144	New
229.146	New
229.148	New
229.150	New
229.152	New
229.154	New
229.156	New
229.158	New
229.160	New
229.162	New
229.164	New
229.166	New
229.168	New
229.170	New
229.172	New
229.176	New
229.178	New
229.180	New
229.182	New
229.184	New
229.Appendix A	New
229.Appendix B	New
229.Appendix C	New

4) Statutory Authority: 415 ILCS 5/5, 9.1, 10, 27, 28.5, 39 and 39.5

5) A Complete Description of the Subjects and Issues Involved: A more detailed description of this rule may be found in the Board's opinion and order of December 3, 1998, in R99-10. This new Part was proposed to the Board on November 30, 1998, by the Illinois Environmental Protection

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Agency, as required by Sections 111(d) and 129 of the Clean Air Act Amendments of 1990 (42 USC 7401-76719 (1990)). The rule would establish requirements for the control of emissions from hospital, medical, and infectious waste incinerators (HMIWIs) where construction, reconstruction, or modification began on or before June 20, 1996. It would require owners and operators of HMIWIs to meet specified emission limits for carbon monoxide, sulfur dioxide, nitrogen oxides, lead, cadmium, mercury, particulate matter, dioxin/furans and hydrogen chloride. The rule also requires hospitals to develop a waste management plan and submit it to the Illinois EPA.

The adoption by the Board of this new Part is authorized under Section 28.5 of the Environmental Protection Act (Act) (415 ILCS 5/28.5). Section 28.5 provides for "fast-track" adoption of certain regulations necessary for compliance with the Clean Air Act Amendments of 1990 (CAA) (42 USC 7401-76719 (1990)).

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? Yes, see Section 229.104.
- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The proposed Part is brought under the authority of Sections 5, 9.1, 10, 27, 28.5, 39 and 39.5 of the Environmental Protection Act. The rules are proposed by the Illinois EPA and are required to be adopted by the State under Section 111(d) of the Clean Air Act (CAA). The implementation of the emission guidelines for HMIWIs is required by Section 111(d) of the CAA. The proposed rules will become part of the State Plan to be submitted to the USEPA for approval, implementing the emission guidelines for existing HMIWIs. The proposed State Plan includes existing programs for permitting and enforcement of air pollution sources, and an agreement with USEPA to file periodic reports. This does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandate Act [30 ILCS 805/3(b)].

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R99-10 and be sent to:

Dorothy Gunn
Clerk of the Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

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and

Bonnie Sawyer, Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19726
Springfield, Illinois 62794-9276

Questions regarding this proposal may be directed to Catherine F. Glenn at 312-814-6923.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This proposed rulemaking will impact these entities to the extent they own or operate Hospital/Medical/Infectious waste incinerators constructed before June 20, 1996. Hospitals operating incinerators which meet the definition of small HMIWI are subject to less stringent emission limits as well as being exempted from certain annual performance testing requirements.

B) Reporting, bookkeeping, or other procedures required for compliance: Owners or operators of affected HMIWIs will be required to employ trained and qualified HMIWI operators (one of whom is on site at all times the HMIWI is operating), keep records to verify compliance with this Part and submit annual or semiannual reports to the Illinois EPA.

C) Types of professional skills necessary for compliance: See (B) above

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Rule begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: GENERAL PROVISIONS

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 229

HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

SUBPART A: GENERAL PROVISIONS

Section

229.100

Abbreviations

229.102

Definitions

229.104

Incorporations by Reference

SUBPART B: APPLICABILITY

Section

229.110

General Applicability

229.112

Exemptions

SUBPART C: COMPLIANCE SCHEDULES

Section

229.115

Compliance Schedules for HMIWIs That Will Continue to Operate

229.116

Compliance Schedules for HMIWIs That Will Shut Down

SUBPART D: CAAPP PERMIT REQUIREMENTS

Section

229.120

CAAPP Permit Requirements

SUBPART E: EMISSION LIMITS

Section

229.125

Emission Limits for Small, Medium, and Large HMIWIs

229.126

Emission Limits for Rural HMIWIs

SUBPART F: EXCEPTIONS FROM EMISSION LIMITS

Section

229.130

Operation During Periods of Startup, Shutdown, or Malfunction

SUBPART G: METHODS AND PROCEDURES FOR PERFORMANCE TESTING

Section

229.140

Methods and Procedures for Performance Testing

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SUBPART H: COMPLIANCE REQUIREMENTS

Section

229.142

Initial Performance Testing and Establishment of Operating Parameters

229.144

Subsequent Performance Testing for All HMIWIs

229.146

Annual Testing for Opacity

229.148

Annual Performance Testing for Small, Medium and Large HMIWIs

229.150

Compliance with Operating Parameter Values

229.152

Compliance Requirements for HMIWIs Using CEMS

229.154

Violations by HMIWIs Equipped with a Dry Scrubber Followed by a Fabric Filter

229.156

Violations by HMIWIs Equipped with a Wet Scrubber

229.158

Violations by HMIWIs Equipped with a Dry Scrubber Followed by a Fabric Filter and a Wet Scrubber

229.160

Compliance Requirements for Rural HMIWIs

229.162

Inspection Requirements for Rural HMIWIs

229.164

Optional Performance Testing to Address Actual or Potential Violations

SUBPART I: MONITORING REQUIREMENTS

Section

229.166

Monitoring Requirements for Small, Medium, and Large HMIWIs

229.168

Monitoring Requirements for Rural HMIWIs

SUBPART J: REQUIREMENTS FOR HMIWI OPERATORS

Section

229.170

Operator Training and Qualification Requirements

229.172

Documentation To Be Maintained On-Site for Employees Operating HMIWIs

SUBPART K: WASTE MANAGEMENT PLAN REQUIREMENTS

Section

229.176

Waste Management Plan Requirements for Hospitals Using On-Site Incinerators

229.178

Waste Management Plan Requirements for Hospitals Transporting Waste Off-Site to an HMIWI

229.180

Waste Management Requirements for HMIWIs Accepting Waste Generated Off-Site

SUBPART L: RECORDKEEPING AND REPORTING REQUIREMENTS

Section

229.182

Recordkeeping Requirements

229.184

Reporting Requirements

APPENDIX A

Toxic Equivalency (TEQ) Factors

APPENDIX B

Operating Parameters to Be Monitored and Minimum Measurement

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and Recording Frequencies
Reference Test Methods and Procedures for Performance Tests

APPENDIX C

AUTHORITY: Implementing Sections 10, 39 and 39.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 27, 39 and 39.5].

SOURCE: Adopted at 23 Ill. Reg. _____, effective _____.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscripts are denoted by brackets.

SUBPART A: GENERAL PROVISIONS

Section 229.100 Abbreviations

The following abbreviations have been used in this Part:

Act	Illinois Environmental Protection Act [415 ILCS 5]
Agency Board	Illinois Environmental Protection Agency
Btu	British thermal units
CAAPP	Clean Air Act Permit Program [415 ILCS 5/39.5]
CEMS	Continuous Emissions Monitoring System
CO	carbon monoxide
Cd	cadmium
dscf	dry standard cubic foot
dscm	dry standard cubic meter
ft(3)	cubic feet
HCl	hydrogen chloride
Hg	mercury
HMIWI	hospital/medical/infectious waste incinerator
hr	hour
lb(s)	pound(s)
mg	milligrams
NO[x]	Nitrogen Oxide
Pb	lead
PM	particulate matter
ppmv	parts per million by volume
SO[2]	Sulfur Dioxide
TEQ	toxic equivalency
USEPA	United States Environmental Protection Agency

Section 229.102 Definitions

The definitions contained in this Section apply only to the provisions of this Part. Unless otherwise defined herein and unless a different meaning of a term

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is clear from its context, the definitions of terms used in this Part shall have the meanings specified for those terms in 415 ILCS 5/39.5, 35 Ill. Adm. Code 201.102 or 35 Ill. Adm. Code 211.

"Batch HMIWI" means an HMIWI that is designed in such a way that neither waste charging nor ash removal can occur during combustion.

"Biologicals" means preparations made from living organisms and their products, including vaccines, cultures, etc., intended for use in diagnosing, immunizing, or treating humans or animals or in research pertaining thereto.

"Body fluids" means liquid emanating or derived from humans and limited to: blood; dialysate; amniotic, cerebrospinal, synovial, pleural, peritoneal and pericardial fluids; semen and vaginal secretions.

"Bypass stack" means an alternative stack used for discharging combustion gases to the atmosphere primarily to avoid severe damage to an air pollution control device or other equipment.

"Charge" means the act of placing waste into an HMIWI for incineration.

"Chemotherapeutic waste" means waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.

"Co-fired combustor" means a unit combusting hospital waste or medical/infectious waste with other fuels or wastes (e.g., coal, municipal solid waste) and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, of which 10 percent or less of the weight is comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar quarter basis. For purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered "other" wastes when calculating the percentage of hospital waste and medical/infectious waste combusted.

"Continuous emission monitoring system" or "CEMS" means a monitoring system for continuously measuring and recording the emissions of a pollutant from an affected facility.

"Continuous HMIWI" means an HMIWI that is designed to allow waste charging and ash removal during combustion.

"Dioxins/furans" means the total emissions of any tetra- through octa-chlorinated dibenzo-para-dioxins and dibenzofurans, as measured

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by EPA Reference Method 23, incorporated by reference in Section 229.104(d) of this Subpart.

"Dry scrubber" means an add-on air pollution control system that injects dry alkaline sorbent (dry injection) or sprays an alkaline sorbent (spray dryer) to react with and neutralize acid gases in an HMIWI exhaust stream, forming a dry powder material.

"Fabric filter" means an add-on air pollution control system that removes PM and nonvaporous metals emissions by passing flue gas through filter bags.

"Facilities manager" means the individual in charge of purchasing, maintaining, and operating an HMIWI, or the owner's or operator's representative responsible for the management of an HMIWI. Alternative titles may include director of facilities or vice president of support services.

"High air phase" means the stage of the batch operating cycle when the primary chamber reaches and maintains maximum operating temperatures.

"Hospital" means any facility that has an organized medical staff, maintaining at least 6 inpatient beds and where the primary function of the facility is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of 24 hours per admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuing medical supervision.

"Hospital/medical/infectious waste incinerator" or "HMIWI" means any device that combusts any amount of hospital waste or medical/infectious waste.

"Hospital waste" means discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, or anatomical parts that are intended for interment or cremation.

"HMIWI operator" means any person who operates, controls, or supervises the day-to-day operation of an HMIWI.

"Infectious agent" means any organism that is capable of being communicated by invasion and multiplication in body tissues and is also capable of causing disease or adverse health impacts in humans.

"Intermittent HMIWI" means an HMIWI that is designed to allow waste

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charging, but not ash removal, during combustion.

"Large HMIWI" means:

An HMIWI whose maximum design waste burning capacity is more than 500 lbs per hour; or

A continuous or intermittent HMIWI whose maximum charge rate is more than 500 lbs per hour; or

A batch HMIWI whose maximum charge rate is more than 4,000 lbs per day.

"Low-level radioactive waste" means waste that contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable Federal or State standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954 (42 USC 2014(e)(2)).

"Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or of a process to operate in a normal or usual manner. Failures that are caused, in part, by poor maintenance or careless operation are not malfunctions.

"Maximum charge rate" means:

For continuous and intermittent HMIWI, 110 percent of the lowest 3-hour average charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits specified in Subpart E of this Part.

For batch HMIWI, 110 percent of the lowest daily charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits specified in Subpart E of this Part.

"Maximum design waste burning capacity" means:

For intermittent and continuous HMIWI:

$$C = P[V] \times 15,000/8,500$$

Where:

C = HMIWI capacity, lb/hr

P[V] = primary chamber volume, ft(3)

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15,000 = primary chamber heat release rate factor,
Btu/ft³/hr

8,500 = standard waste heating value, Btu/lb;

For batch HMIWI:

$$C = P[V] \times 4.5/8$$

Where:

C = HMIWI capacity, lb/hr

P[V] = primary chamber volume, ft(3)

4.5 = waste density factor, lb/ft(3)

8 = typical hours of operation of a batch HMIWI, hours.

"Maximum fabric filter inlet temperature" means 110 percent of the lowest 3-hour average temperature at the inlet to the fabric filter (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the applicable dioxin/furan emission limit specified in Subpart E of this Part.

"Maximum flue gas temperature" means 110 percent of the lowest 3-hour average temperature at the outlet from the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the applicable Hg emission limit specified in Subpart E of this Part.

"Medical/infectious waste" means any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulations in 40 CFR 261.1; household waste, as defined in 40 CFR 261.4(b)(1); and domestic sewage materials identified in 40 CFR 261.4(a)(1). For the purposes of this Part, medical/infectious waste includes:

Cultures and stocks of infectious agents and associated biologicals, including: vaccines and cultures intended for use in diagnosing, immunizing, or treating humans or animals; cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; and discarded live and attenuated vaccines;

Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers;

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Human blood, any products derived from human blood, or anything that has been in contact with human blood in any form;

Intravenous bags and associated tubing;

Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, and needles with attached tubing;

Culture dishes, regardless of the presence of infectious agents, and culture dishes and devices used to transfer, inoculate, and mix cultures;

Any type of broken or unbroken glassware that has been in contact with infectious agents;

Animal waste, including contaminated animal carcasses, body parts, bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals;

Isolation wastes, including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from highly communicable diseases, or isolated animals known to be infected with highly communicable diseases; and

Unused sharps, including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

"Medium HMIWI" means:

An HMIWI whose maximum design waste burning capacity is more than 200 lbs per hour but less than or equal to 500 lbs per hour; or

A continuous or intermittent HMIWI whose maximum charge rate, as set by permit, is more than 200 lbs per hour but less than or equal to 500 lbs per hour; or

A batch HMIWI whose maximum charge rate, as set by permit, is more than 1,600 lbs per day but less than or equal to 4,000 lbs per day.

"Minimum dioxin/furan sorbent flow rate" means 90 percent of the highest 3-hour average dioxin/furan sorbent flow rate (taken, at a

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minimum, once every hour) measured during the most recent performance test demonstrating compliance with the applicable dioxin/furan emission limit specified in Subpart E of this Part.

"Minimum Hg sorbent flow rate" means 90 percent of the highest 3-hour average Hg sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the applicable Hg emission limit specified in Subpart E of this Part.

"Minimum HCl sorbent flow rate" means 90 percent of the highest 3-hour average HCl sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the applicable HCl emission limit specified in Subpart E of this Part.

"Minimum horsepower" or "minimum amperage" means 90 percent of the highest 3-hour average horsepower or amperage to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the applicable emission limits specified in Subpart E of this Part.

"Minimum pressure drop across the wet scrubber" means 90 percent of the highest 3-hour average pressure drop across the wet scrubber PM control device (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the applicable PM emission limit specified in this Subpart E of this Part.

"Minimum scrubber liquor flow rate" means 90 percent of the highest 3-hour average liquor flow rate at the inlet to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the applicable emission limits specified in Subpart E of this Part.

"Minimum scrubber liquor pH" means 90 percent of the highest 3-hour average liquor pH at the inlet to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the applicable HCl emission limit specified in Subpart E of this Part.

"Minimum secondary chamber temperature" means 90 percent of the highest 3-hour average secondary chamber temperature (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the applicable PM, CO, and dioxin/furan emission limits specified in Subpart E of this Part.

"Operating day" means a 24-hour period between 12:00 midnight and the

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following midnight during which any amount of hospital waste or medical/infectious waste is combusted at any time in an HMIWI.

"Operation" means any period during which waste is combusted in an HMIWI, excluding periods of startup or shutdown.

"Pathological waste" means waste material consisting of only human or animal remains, anatomical parts, tissue, and the bags or containers used to collect and transport the waste material and associated animal bedding, if applicable.

"Primary chamber" means the chamber in an HMIWI that receives waste material, in which the waste is ignited, and from which ash is removed.

"Rural HMIWI" means any HMIWI identified in Section 229.110(a) of this Part, that is located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area, as defined in OMB Bulletin No. 93-17, incorporated by reference at Section 229.104(b) of this Part, meets the criteria specified in the definition of "small HMIWI" and burns less than 2,000 lbs per week of hospital waste and medical/infectious waste (except the 2000 lbs per week limitation does not apply during performance testing).

"Secondary chamber" means that component of an HMIWI that receives combustion gases from the primary chamber and in which the combustion process is completed.

"Shutdown" means the period of time after all waste has been combusted in the primary chamber.

"Small HMIWI" means:

An HMIWI whose maximum design waste burning capacity is less than or equal to 200 lbs per hour; or

A continuous or intermittent HMIWI whose maximum charge rate, as set by permit, is less than or equal to 200 lbs per hour; or

A batch HMIWI whose maximum charge rate, as set by permit, is less than or equal to 1,600 lbs per day.

"Startup" means the period of time between the activation of an HMIWI and the first charge of waste to the unit. For batch HMIWI, startup means the period of time between activation of an HMIWI and ignition of the waste.

"Wet scrubber" means an add-on air pollution control device that

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utilizes either an alkaline or some other type of scrubbing liquor to collect pollutants and/or neutralize acid gases.

Section 229.104 Incorporations by Reference

The following materials are incorporated in this Part by reference. These incorporations by reference do not include any later amendments or editions.

- a) "An Ounce of Prevention: Waste Reduction Strategies for Health Care Facilities," American Society for Healthcare Environmental Services, 840 North Lake Shore Drive, Chicago, Illinois 60611 (1993).
- b) "Revised Statistical Definitions for Metropolitan Areas," OMB Bulletin No. 93-17, Office of Management and Budget, Washington, D.C. (June 30, 1993).
- c) 40 CFR 60.8.
- d) 40 CFR 60, Appendix A, Methods 1, 2, 3, 3A, 5, 9, 10, 10B, 23, 26, 29.
- e) 40 CFR 60, Appendices B and F.

SUBPART B: APPLICABILITY

Section 229.110 General Applicability

a) This Part applies to all HMIWIs for which construction commenced either on or before June 20, 1996, except as provided for in subsections (b), (c), (d) and (e) of this Section and Section 229.112 of this Subpart.

b) An HMIWI otherwise subject to the emission limits in this Part is only subject to the recordkeeping requirements set forth in Section 229.182(b), (f) and (g) of this Part during those periods when it combusts only pathological waste, low-level radioactive waste, or chemotherapeutic waste, provided the owner or operator of the HMIWI notifies the Agency of its intention to operate pursuant to this operating scenario in its CAAPP application submitted in accordance with either Section 229.115(b)(1), Subpart D of this Part, or Section 39.5 of the Act.

c) An HMIWI that combusts only pathological waste, low-level radioactive waste, or chemotherapeutic waste is subject to only the recordkeeping requirements set forth in Section 229.182(c), (f) and (g) of this Part provided that the owner or operator of an HMIWI provides, by December 15, 1999, both the Agency and the USEPA with a written certification of its status as an HMIWI burning only the wastes listed in this subsection.

d) A co-fired combustor is subject only to the recordkeeping requirements set forth in Section 229.182(d), (f) and (g) of this Part, provided that the owner or operator of the combustor is subject to a permit condition limiting its fuel feed stream to co-fired combustor status, provides, by December 15, 1999, both the Agency and USEPA with a written certification of its status as a co-fired combustor, including an estimate of the relative weight of hospital waste,

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medical/infectious waste, and other fuels and/or waste combusted at the facility.

- e) Any hospital that does not operate an HMIWI but that sends any of its hospital waste or medical/infectious waste to an off-site HMIWI is subject only to the waste management plan provisions set forth at Section 229.178 of this Part.

Section 229.112 Exemptions

Notwithstanding other provisions of this Part, the following emission units are exempt from the requirements of this Part:

- a) Any combustor required to have a permit under Section 3005 of the Solid Waste Disposal Act, 42 USC 6925;
- b) Any municipal waste combustor that meets the applicability provisions for municipal waste combustors under Subparts Cb, Ea or Eb of 40 CFR 60;
- c) Any pyrolysis unit (i.e., a unit that uses endothermic gasification to treat hospital waste or medical/infectious waste in order to render such waste harmless);
- d) Any cement kiln firing hospital waste or medical/infectious waste; or
- e) Any HMIWI subject to the Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996, contained in Subpart Ec of 40 CFR 60.50c.

SUBPART C: COMPLIANCE SCHEDULES

Section 229.115 Compliance Schedules for HMIWIs That Will Continue to Operate

a) Except as provided in subsection (b) of this Section and unless another date is specified in the provisions of this Part, all owners or operators of HMIWIs shall be in compliance with all of the provisions of this Part by September 15, 2000.

b) Except as provided in subsection (c) of this Section, the owner or operator of an HMIWI may have up to September 15, 2002, to come into compliance with this Part. To avail themselves of this extended compliance timeframe, the owner or operator of an HMIWI shall:

- 1) Submit its CAAPP application to the Agency, within 6 months after the Board's approval of this Part, requesting an extended compliance schedule, pursuant to Section 39.5(5)(d) of the Act [415 ILCS 5/39.5(5)(d)]. This compliance schedule shall include documentation supporting the need for an extension, a final control plan for the HMIWI and incremental steps to be taken toward compliance with this Part that, at a minimum, meet the increments of progress specified in subsection (b)(2) of this Section;
- 2) Meet the following increments of progress by the dates indicated:
 - A) Finalize all contracts for the purchase of either pollution

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control equipment, process modification or control systems by February 29, 2000;

- B) Commence the implementation of either the process modifications or the necessary construction or installation of air pollution control devices for the HMIWI by November 30, 2000;
- C) Complete either the process modifications or the installation or construction of the new air pollution control equipment by August 31, 2001;
- D) Perform initial startup of the retrofitted HMIWI by January 15, 2002; and
- E) Complete the initial performance test in accordance with Section 229.142 of this Part within 180 days after initial startup.

c) Any owner or operator of an HMIWI that fails to demonstrate compliance with this Part by September 15, 2002, shall cease operation of the HMIWI until compliance with the provisions of this Part is achieved.

d) Notwithstanding subsection (b) of this Section, all owners or operators of HMIWIs shall be in full compliance with all of the HMIWI operator provisions of Subpart J of this Part by September 15, 2000.

Section 229.116 Compliance Schedules for HMIWIs That Will Shut Down

All owners or operators of HMIWIs that intend to permanently shut down their HMIWI as a means of complying with this Part shall:

- a) Provide the Agency with written notice of their intention to permanently shut down their HMIWI within 6 months after the Board's approval of the provisions of this Part; and
- b) Take the following affirmative steps to demonstrate that the HMIWI has been rendered permanently inoperable by September 15, 2000:
 - 1) Weld the primary chamber door shut;
 - 2) Dismantle the HMIWI; or
 - 3) Other means that reasonably demonstrate that the HMIWI is no longer functional.

SUBPART D: CAAPP PERMIT REQUIREMENTS

Section 229.120 CAAPP Permit Requirements

- a) All HMIWIs subject to the emissions limits in this Part shall operate pursuant to a CAAPP permit by September 15, 2000.
- b) For any HMIWI subject to the emission limits in this Part that is not required to obtain a CAAPP permit under Section 39.5 of the Act [415 ILCS 5/39.5], the owner or operator shall submit a complete application for a CAAPP permit by September 15, 2000, except as provided for in Section 229.115(b)(1) of this Part.
- c) Upon submittal of a timely and complete CAAPP application, the owner or operator of an HMIWI shall not be in violation of the requirement,

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specified in subsection (a) of this Section, to have a CAAPP permit, to the extent provided in Section 39.5(5)(h) of the Act [415 ILCS 5/39.5(5)(h)].

d) For any HMIWI that currently has a CAAPP permit, the following conditions apply:

- 1) If the CAAPP permit has no more than 3 years remaining on the permit term, the owner or operator of an HMIWI shall apply for revision to the CAAPP permit within 6 months after the Board's approval of this Part to incorporate the applicable requirements of this Part; or
- 2) If the CAAPP permit has less than 3 years remaining on the permit term, the CAAPP permit shall be revised to incorporate the applicable requirements of this Part, upon renewal of the permit.

SUBPART E: EMISSION LIMITS

Section 229.125 Emission Limits for Small, Medium, and Large HMIWIs

a) The emission limits in this Section shall apply to HMIWIs identified in Section 229.110(a) at all times, except as provided in Section 229.110(b) of this Part, Section 229.126 of this Subpart and Subpart F of this Part.

b) The emissions limits for small, medium, and large HMIWIs are as follows:

Pollutant	Units (% oxygen, dry basis)	Small	HMIWI EMISSION LIMITS	
			Medium	Large
PM	mg per dscm (grains per dscf)	115 (0.05)	69 (0.03)	34 (0.015)
CO	ppmv	40	40	40
Dioxins/ Furans	Nanograms per dscm, total dioxins/furans (grains per billion dscf), or nanograms per dscm TEQ (grains per billion dscf)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)
HCl	ppmv or percent reduction	100 or 93%	100 or 93%	100 or 93%

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SO[2]	ppmv	55	55	55
NO[x]	ppmv	250	250	250
Pb	mg per dscm (grains per thousand dscf) or percent reduction	1.2 (0.52) or 70%	1.2 (0.52) or 70%	1.2 (0.52) or 70%
Cd	mg per dscm (grains per thousand dscf) or percent reduction	0.16 (0.07) or 65%	0.16 (0.07) or 65%	0.16 (0.07) or 65%
Hg	mg per dscm (grains per thousand dscf) or percent reduction	0.55 (0.24) or 85%	0.55 (0.24) or 85%	0.55 (0.24) or 85%

c) No owner or operator of a small, medium, or large HMIWI shall cause or allow any emissions that cause greater than 10 percent opacity, as measured on a 6 minute block average, according to Method 9, 40 CFR 60, Appendix A, incorporated by reference at Section 229.104(d) of this Part, from any stack used by an HMIWI.

Section 229.126 Emission Limits For Rural HMIWIs

- a) Notwithstanding the emission limits set out in Section 229.125 of this Part, any rural HMIWI shall comply with the emission limits set out in subsection (b) of this Section. The emission limits under this Section shall apply at all times, except as provided for in Section 229.110(b) and Subpart F of this Part.
- b) The emission limits for rural HMIWI are as follows:

Pollutant	Units (7% oxygen, dry basis)	EMISSION LIMITS
PM	mg per dscm (grains per dscf)	197 (0.086)
CO	ppmv	40
Dioxin/ Furans	nanograms per dscm total dioxins/ furans (grains per billion dscf), or nanograms per dscm TEQ (grains per billion dscf)	800 (350) or 15 (6.6)

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HCl	ppmv	3100
SO[2]	ppmv	55
NO[x]	ppmv	250
Pb	mg per dscm (grains per thousand dscf)	10 (4.4)
Cd	mg per dscm (grains per thousand dscf)	4 (1.7)
Hg	mg per dscm (grains per thousand dscf)	7.5 (3.3)

c) No owner or operator of a rural HMIWI shall cause or allow any emissions that cause greater than 10 percent opacity, as measured on a six minute block average, according to Method 9, 40 CFR 60, Appendix A, incorporated by reference at Section 229.104(d) of this Part, from any stack used by an HMIWI.

SUBPART F: EXCEPTIONS FROM EMISSION LIMITS

Section 229.130 Operation During Periods of Startup, Shutdown, or Malfunction

- a) The emission limits specified in Subpart E of this Part do not apply to an HMIWI during periods of startup, shutdown or malfunction, if the requirements provided in subsections (b), (c) and (d) of this Section are met.
- b) No waste shall be charged to an HMIWI during periods of startup, shutdown or malfunction.
- c) The shutdown of any HMIWI shall proceed according to the following requirements:
- 1) For continuous HMIWIs, shutdown may commence no less than 2 hours after the last charge to an HMIWI;
 - 2) For intermittent HMIWIs, shutdown may commence no less than 4 hours after the last charge to an HMIWI; and
 - 3) For batch HMIWIs, shutdown may commence no less than 5 hours after the high air phase of combustion has been completed.
- d) During periods of malfunction, the owner or operator of an HMIWI shall do all of the following:
- 1) Take all reasonable steps to ensure that an HMIWI operates within the parameters established for that HMIWI and to minimize excess emissions;
 - 2) Continue monitoring all applicable parameters; and
 - 3) Take appropriate corrective actions prior to resuming the charging of any waste to an HMIWI.

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SUBPART G: METHODS AND PROCEDURES FOR PERFORMANCE TESTING

Section 229.140 Methods and Procedures for Performance Testing

This Section applies during all performance tests.

- a) The owner or operator of an HMIWI shall provide, or cause to be provided, the facilities for emission testing specified in 40 CFR 60.8(e), incorporated by reference at Section 229.104(c) of this Part.
- b) When conducting a performance test for an HMIWI, the owner or operator shall:
 - 1) Test an HMIWI at the waste charging rate specified in its permit or, if no permit has been issued, in its permit application;
 - 2) Burn representative waste streams that are typically combusted in that HMIWI; and
 - 3) Weigh the amount of waste combusted for each run of the performance test before charging the waste to an HMIWI to within 1.0 percent or 0.25 lb accuracy.
- c) The owner or operator of an HMIWI shall submit a test plan to the Agency at least 45 days before conducting a performance test pursuant to this Part. Performance test plans shall include the following:
 - 1) The proposed date of the performance test;
 - 2) A roster of testing personnel, which provides information concerning their testing experience;
 - 3) A description of the specific conditions under which the test will be performed, including, at a minimum:
 - A) Why these conditions will be representative of the operation of the HMIWI; and
 - B) The means by which the operating parameter values will be determined;
 - 4) A technical description of the HMIWI being tested;
 - 5) The parameters and pollutants that will be monitored during the performance test; and
 - 6) The quality assurance procedures that will be followed during the performance test.

- d) The owner or operator of an HMIWI shall give the Agency 5 days written notice prior to actually conducting any performance testing required by the provisions of this Part.
- e) Testing conducted pursuant to this Part shall be according to the procedures and test methods specified for the measurement of each pollutant in Appendix C of this Part.
- f) Notwithstanding subsection (e) of this Section, alternate testing methods may be used if approved by the Agency in a permit and approved by USEPA.
- g) Any use of a bypass stack during a performance test shall invalidate the results of that run.

SUBPART H: COMPLIANCE REQUIREMENTS

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Section 229.142 Initial Performance Testing and Establishment of Operating Parameters

The owner or operator of an HMIWI subject to the emissions limits under this Part shall comply with the following requirements:

- a) Except as provided in Section 229.115(b)(2)(E) of this Part, conduct an initial performance test on their HMIWI by September 15, 2000;
- b) Except as provided in subsection (c) of this Section, in the initial performance test, test for all pollutants limited pursuant to Subpart E of this Part;
- c) During the initial performance test, rural HMIWIs are not required to test for HCl, Pb or Cd;
- d) If an HMIWI is equipped with a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and wet scrubber, establish the appropriate maximum and minimum operating parameter values indicated in Appendix B of this Part for the relevant control system during the initial performance test, provided that the performance test demonstrates compliance with the emissions limits specified in Section 229.125 of this Part;
- e) If air pollution control equipment other than a dry scrubber followed by a fabric filter, a wet scrubber, or dry scrubber followed by a fabric filter and a wet scrubber is used to comply with the emission limits under Section 229.125 of this Part, the initial performance test may not be conducted until site-specific operating parameters that will be monitored to demonstrate compliance with this Part have been established by the Agency in a construction permit and approved by USEPA.
- f) For rural HMIWI, establish the maximum charge rate and minimum secondary chamber temperature as site-specific parameters during the initial performance test, provided that the performance test demonstrates that the HMIWI is in compliance with the emission limits specified in Section 229.126 of this Part.

Section 229.144 Subsequent Performance Testing for All HMIWIs

- a) The owner or operator of an HMIWI may conduct a repeat performance test at any time to establish new site specific operating values for the HMIWI. Such new site specific operating parameter values may not be relied upon until approved by the Agency as a permit condition.
- b) The Agency or the USEPA may request that the owner or operator of an HMIWI conduct a new performance test at any time.

Section 229.146 Annual Testing for Opacity

Following the date on which the initial performance test is completed, as required by Section 229.142 of this Section, the owners or operators of all HMIWIs shall conduct an annual opacity test, in accordance with Section 229.140 of this Part, by September 15 of each year.

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Section 229.148 Annual Performance Testing for Small, Medium and Large HMIWI's

Following the date on which the initial performance test is completed, as required by Section 229.142 of this Part, all owners or operators of small, medium, or large HMIWI's shall conduct an annual performance test, by September 15 of each year, to determine compliance with the PM, CO and HCl emission limits specified in Section 229.125(b) of this Part, using the applicable test procedures and methods specified in Section 229.140 of this Part.

- a) If all 3 annual performance tests over a 3-year period indicate compliance with the emission limits for PM, CO, or HCl specified in Section 229.125(b) of this Part, the owner or operator of an HMIWI may forego a performance test for that pollutant during the next 2 years. If the next performance test conducted every third year indicates compliance with the emission limits for PM, CO, or HCl specified in Section 229.125(b) of this Part, the owner or operator of an HMIWI may forego a performance test for that pollutant for an additional 2 years from the date of the previous performance test.

- b) If any performance test indicates noncompliance with the respective emission limit, the owner or operator of an HMIWI shall conduct a performance test for that pollutant annually until all annual performance tests over a 3-year period indicate compliance with the respective emission limits.

Section 229.150 Compliance with Operating Parameter Values

- a) Following the date on which the initial performance test is completed, as provided in Section 229.142 of this Part, an HMIWI, using a dry scrubber followed by a fabric filter, a wet scrubber, or dry scrubber followed by a fabric filter and a wet scrubber to comply with the emission limits of this Part, shall not operate above any of the applicable maximum or below any of the applicable minimum operating parameter values specified in Appendix B of this Part. All operating parameters shall be measured at all times, except during periods of startup, shutdown, and malfunction (calculated each hour as a 3-hour rolling average of the previous 3 operating hours). For batch HMIWI's, the charge rate shall be measured on a per batch basis.

- b) For HMIWI's using air pollution control equipment other than a dry scrubber followed by a fabric filter, a wet scrubber, or dry scrubber followed by a fabric filter and a wet scrubber to comply with the emission limits under Section 229.125 of this Part, following the date on which the initial performance test is completed, as provided in Section 229.142 of this Part, an HMIWI shall not operate above any applicable maximum or below any applicable minimum operating parameter values established in its CAAPP permit.

- c) Operating parameter limits do not apply during performance tests.

Section 229.152 Compliance Requirements for HMIWI's using CEMS

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The owner or operator of an HMIWI may use a CEMS to demonstrate compliance with any of the emission limits under Section 229.125(b) of this Part, if provided for in its permit. Any HMIWI that is allowed to use a CEMS to demonstrate compliance with the emission limits of this Part shall:

- a) Determine compliance with the applicable emission limits using a 12 hour rolling average, calculated each hour as the average of the previous 12 operating hours, not including startup, shutdown, or malfunction; and
- b) Operate all CEMS in accordance with the applicable procedures under Appendices B and F of 40 CFR 60, incorporated by reference at Section 229.104(e) of this Part.

Section 229.154 Violations by HMIWI's Equipped with a Dry Scrubber Followed by a Fabric Filter

Except as provided in Section 229.164 of this Subpart, for an HMIWI equipped with a dry scrubber followed by a fabric filter:

- a) Simultaneous operation of an HMIWI above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a 3-hour rolling average) shall be a violation of the CO emission limit;
- b) Simultaneous operation of an HMIWI above the maximum fabric filter inlet temperature, above the maximum charge rate, and below the minimum dioxin/furan sorbent flow rate (each measured on a 3-hour rolling average) shall be a violation of the dioxin/furan emission limit;
- c) Simultaneous operation of an HMIWI above the maximum charge rate and below the minimum HCl sorbent flow rate (each measured on a 3-hour rolling average) shall be a violation of the HCl emission limit;
- d) Simultaneous operation of an HMIWI above the maximum charge rate and below the minimum Hg sorbent flow rate (each measured on a 3-hour rolling average) shall be a violation of the Hg emission limit; or
- e) Use of the bypass stack (except during startup, shutdown or malfunction) is a violation of the PM, dioxin/furan, HCl, Pb, Cd and Hg emission limits.

Section 229.156 Violations by HMIWI's Equipped with a Wet Scrubber

Except as provided in Section 229.164 of this Subpart, for an HMIWI equipped with a wet scrubber:

- a) Simultaneous operation of an HMIWI above the maximum charge rate and below the minimum pressure drop across the wet scrubber or below the minimum horsepower or amperage to the system (each measured on a 3-hour rolling average) is a violation of the PM emission limit;
- b) Simultaneous operation of an HMIWI above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a 3-hour rolling average) is a violation of the CO emission limit;
- c) Simultaneous operation of an HMIWI above the maximum charge rate, below the minimum secondary chamber temperature and below the minimum

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- scrubber liquor flow rate (each measured on a 3-hour rolling average) is a violation of the dioxin/furan emission limit;
- d) Simultaneous operation of an HMIWI above the maximum charge rate and below the minimum scrubber liquor pH (each measured on a 3-hour rolling average) is a violation of the HCl emission limit;
 - e) Simultaneous operation of an HMIWI above the maximum flue gas temperature and above the maximum charge rate (each measured on a 3-hour rolling average) is a violation of the Hg emission limit; or
 - f) Use of the bypass stack (except during startup, shutdown, or malfunction) is a violation of the PM, dioxin/furan, HCl, Pb, Cd and Hg emission limits.

Section 229.158 Violations by HMIWIs Equipped with a Dry Scrubber Followed by a Fabric Filter and a Wet Scrubber

Except as provided in Section 229.164 of this Subpart, for an HMIWI equipped with a dry scrubber followed by a fabric filter and a wet scrubber:

- a) Simultaneous operation of an HMIWI above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a 3-hour rolling average) is a violation of the CO emission limit;
- b) Simultaneous operation of an HMIWI above the maximum fabric filter inlet temperature, above the maximum charge rate and below the minimum dioxin/furan sorbent flow rate (each measured on a 3-hour rolling average) is a violation of the dioxin/furan emission limit;
- c) Simultaneous operation of an HMIWI above the maximum charge rate and below the minimum scrubber liquor pH (each measured on a 3-hour rolling average) is a violation of the HCl emission limit;
- d) Simultaneous operation of an HMIWI above the maximum charge rate and below the minimum Hg sorbent flow rate (each measured on a 3-hour rolling average) is a violation of the Hg emission limit; or
- e) Use of the bypass stack (except during startup, shutdown, or malfunction) is a violation of the PM, dioxin/furan, HCl, Pb, Cd and Hg emission limits.

Section 229.160 Compliance Requirements for Rural HMIWIs

- a) Following the date on which the initial performance test is completed or is required to be completed under Section 229.142 of this Subpart, whichever date comes first, the owners or operators of rural HMIWI shall not operate their HMIWI either above the maximum charge rate or below the minimum secondary chamber temperature at all times, except during periods of startup or shutdown (calculated each hour as a 3-hour rolling average of the previous 3 operating hours).
- b) Except as provided in Section 229.164 of this Subpart, the simultaneous operation of a rural HMIWI above the maximum charge rate and below the minimum secondary chamber temperature (calculated as a 3-hour rolling average) shall constitute a violation of the PM, CO and dioxin/furan emission limits.

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Section 229.162 Inspection Requirements for Rural HMIWIs

- a) Each owner or operator of a rural HMIWI shall inspect the HMIWI according to the following schedule:

- 1) An initial inspection shall be conducted by September 15, 2000; and
 - 2) An annual inspection shall be conducted by September 15 of each year thereafter.
- b) Each inspection shall be conducted to ensure the proper operation of the rural HMIWI and, at a minimum, shall consist of the following steps:

- 1) An inspection of all burners, pilot assemblies, and pilot sensing devices, cleaning the pilot flame sensor, as necessary;
 - 2) An inspection of the primary and secondary chamber combustion air flow, adjusting, as necessary;
 - 3) An inspection of the hinges and door latches, lubricating, as necessary;
 - 4) An inspection of dampers, fans, and blowers;
 - 5) An inspection of the HMIWI door and door gaskets;
 - 6) An inspection of all HMIWI motors;
 - 7) An inspection of the primary chamber refractory lining, cleaning, repairing or replacing the lining, as necessary;
 - 8) An inspection of the incinerator shell for corrosion or hot spots;
 - 9) An inspection of the secondary/tertiary chamber and stack, cleaning as necessary;
 - 10) Where applicable, an inspection of the mechanical loader, including limit switches;
 - 11) A visual inspection of the waste bed (grates), repairing or sealing, as necessary;
 - 12) Where applicable, an inspection of air pollution control devices to ensure their proper operation;
 - 13) Where applicable, an inspection of the waste heat boiler systems;
 - 14) An inspection of all bypass stack components;
 - 15) Calibration of thermocouples, sorbent feed systems and monitoring equipment; and
 - 16) A general inspection of all equipment to ensure that it is maintained in good operating condition.
- c) The owner or operator of a rural HMIWI shall document that, during the burn cycle immediately following the inspection required by this Section, the HMIWI is operating properly and make any necessary adjustments.
- d) All maintenance, adjustments, or repairs identified during the inspection required under this Section shall be completed within 10 days after the inspection. The owner or operator of an HMIWI may have a longer period of time in which to complete any repairs identified as a result of the inspection required by this Section, provided that it makes this request to the Agency in writing, and the Agency approves

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the owner or operator of an HMIWI's request in writing.

Section 229.164 Optional Performance Testing to Address Actual or Potential Violations

The owner or operator of an HMIWI may conduct another performance test within 30 days after exceeding an applicable operating parameter value in order to demonstrate that an HMIWI is not in violation of the applicable emission limits. In addition to the applicable performance testing provisions under this Part, any performance test conducted pursuant to this Section shall meet the following conditions:

- a) All tests shall use the same operating parameter values that indicated a violation under Section 229.154, 229.156, 229.158 or 229.160 of this Subpart;
- b) The owner or operator of an HMIWI shall notify the Agency in writing at least 21 days before the date of any optional performance test;
- c) The owner or operator of an HMIWI shall notify the Agency in writing of its intent to proceed with the optional performance test 5 days prior to conducting the test; and
- d) The owner or operator of an HMIWI shall conduct the optional performance test using the same approved performance test plan that was used for the performance test in which the violated operating parameter values were established.

SUBPART I: MONITORING REQUIREMENTS

Section 229.166 Monitoring Requirements for Small, Medium, and Large HMIWIS

- a) Once the initial performance test required by Section 229.142 of this Part has been performed, and the site-specific minimum and maximum operating parameter values have been established, the owner or operator of a small, medium or large HMIWI shall continuously monitor those parameters.
- b) The owner or operator of a small, medium or large HMIWI shall comply with the following monitoring requirements:
 - 1) Install, calibrate according to manufacturer's specifications, maintain, and operate devices or establish methods for monitoring the applicable maximum and minimum operating parameters specified in Appendix B of this Part such that these devices or methods measure and record values for these operating parameters at the frequencies indicated in Appendix B of this Part at all times, except during periods of startup and shutdown;
 - 2) Install, calibrate according to manufacturer's specifications, maintain, and operate a device or establish a method for identifying the use of the bypass stack, including date, time, and duration of use;
 - 3) If control equipment other than a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a

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fabric filter and a wet scrubber is used to comply with the emission limits under Section 229.125(b) of this Part, install, calibrate according to manufacturer's specifications, maintain, and operate the equipment necessary to monitor the site-specific operating parameters developed and approved pursuant to Section 229.142(e) of this Part; and

- 4) Record monitoring data at all times during HMIWI operation, except during the periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be recorded for 75 percent of the operating hours per day and for 90 percent of the operating days per calendar quarter that an HMIWI is combusting hospital waste or medical/infectious waste.

Section 229.168 Monitoring Requirements for Rural HMIWIS

The owner or operator of each rural HMIWI shall comply with the following monitoring requirements:

- a) Install, calibrate according to manufacturer's specifications, maintain and operate a device measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute of operation;
- b) Install, calibrate according to manufacturer's specifications, maintain, and operate a device that automatically measures and records the date, time, and weight of each charge fed into an HMIWI; and
- c) Record monitoring data at all times during HMIWI operation, except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be recorded for 75 percent of the operating hours per day and for 90 percent of the operating hours per calendar quarter that an HMIWI is combusting hospital waste or medical/infectious waste.

SUBPART J: REQUIREMENTS FOR HMIWI OPERATORS

Section 229.170 Operator Training and Qualification Requirements

- a) No HMIWI shall be operated unless a trained and qualified HMIWI operator, as specified in this Section, is available on-site to operate or supervise the operation of the HMIWI.
- b) To become a trained and qualified operator, a person shall complete a training program that, at a minimum, meets the criteria specified in subsection (c) of this Section, pass the examination administered in accordance with subsection (c)(2) of this Section and have either 6 months experience as an HMIWI operator or have completed 2 burn cycles under the observation of 2 trained and qualified HMIWI operators.
- c) An operator training program shall satisfy all of the following criteria:
 - 1) Consist of at least 24 hours of training covering the following

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subjects:

- A) Work safety procedures;
 - B) Pre-startup procedures;
 - C) Environmental concerns, including pathogen destruction and types of emissions;
 - D) Basic combustion principles, including combustion byproducts;
 - E) Instruction in the proper operation of the same type of incinerator that will be used by the operator, including proper startup, waste charging, and shutdown procedures;
 - F) Combustion controls and monitoring;
 - G) Operation of air pollution control equipment and factors affecting performance;
 - H) Methods for monitoring pollutants, both by CEMS and by monitoring of HMIWI and air pollution control device operating parameters, and monitoring instrument calibration procedures;
 - I) Inspection and maintenance of an HMIWI, air pollution control equipment, and CEMS;
 - J) Corrective measures to remedy malfunctions and conditions that may lead to malfunction;
 - K) Characteristics of and proper handling procedures for bottom and fly ash;
 - L) Recordkeeping procedures; and
 - M) Applicable Federal, State, and local regulations.
- 2) Administer an examination designed by the course instructor; and
 - 3) Provide reference materials covering all of the course topics specified in subsection (c)(1) of this Section.
- d) Operator qualification is valid from the date on which the examination specified in subsection (c)(2) of this Section is passed, or the completion of the experience requirements set forth in subsection (b) of this Section, whichever is later.
- e) In order for an operator that has been qualified in accordance with subsection (b) of this Section to maintain the necessary qualification status, the operator shall:

- 1) Complete and pass an annual review course of at least 4 hours in length that, at a minimum, covers the following subjects:
 - A) An update of applicable regulations;
 - B) Proper incinerator operation, including startup and shutdown procedures;
 - C) Proper incinerator inspection and maintenance;
 - D) Responses to malfunctions and conditions that may lead to malfunction; and
 - E) A discussion of operating problems encountered by attendees.
- 2) If an operator fails to either take or to complete and pass the annual review course, the operator's qualification will lapse.
- 3) If the operator's qualification lapses for less than 3 years, qualification may be reinstated by taking and passing the annual

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review course, as provided under subsection (e)(1) of this Section.

- 4) If there is a 3 year or greater lapse in an operator's qualification, then the operator shall take and pass an operator training course, as provided for under subsection (c) of this Section, in order reinstate the qualification.

Section 229.172 Documentation To Be Maintained On-Site for Employees Operating HMIWIs

- a) The owner or operator of an HMIWI shall maintain the following information on-site for the use and reference of HMIWI operators:
 - 1) A summary of the applicable requirements under this Part;
 - 2) A description of basic combustion theory applicable to HMIWIs;
 - 3) Procedures for receiving, handling, and charging waste;
 - 4) Procedures for startup and shutdown of the HMIWI;
 - 5) Procedures for maintaining proper combustion air supply levels;
 - 6) Procedures for operating the HMIWI and associated air pollution control systems within the standards established under this Part;
 - 7) Procedures for responding to periodic malfunction or conditions that may lead to malfunction;
 - 8) Procedures for monitoring HMIWI emissions;
 - 9) Recordkeeping and reporting procedures; and
 - 10) Procedures for handling ash.
- b) The owner or operator of an HMIWI shall establish a program for the annual review of all of the information listed under subsection (a) of this Section by all employees that operate an HMIWI.
 - 1) The initial review of the information listed in subsection (a) of this Section shall be conducted by September 15, 2000, or prior to assuming responsibilities for operating an HMIWI, whichever is later;
 - 2) Subsequent reviews of the information contained in subsection (a) of this Section shall be conducted annually.
- c) The information identified in subsection (a) of this Section shall be kept in a location readily accessible to all HMIWI operators.

SUBPART K: WASTE MANAGEMENT PLAN REQUIREMENTS

Section 229.176 Waste Management Plan Requirements for Hospitals Using On-Site Incinerators

- a) The owner or operator of a hospital subject to the requirements in this Part shall submit to the Agency, in accordance with Section 229.184(b) of this Part, a waste management plan. Such plans shall outline technically and economically feasible policies and practices for reducing the amount and toxicity of hospital and medical/infectious waste incinerated at the hospital. The waste management plan shall include the following components:

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- 1) The name and location of the facility;
- 2) A written policy statement setting forth management support for waste management and implementation of the plan;
- 3) A statement of goals for reducing the volume and toxicity of waste, expressed numerically where feasible;
- 4) Identification of the staff responsible for development and implementation of the plan, as well as a description of their roles and responsibilities;
- 5) A description of communication and education programs to make employees aware of the waste management program and their responsibilities;
- 6) A summary of existing waste management policies and practices;
- 7) Identification of technically and economically feasible waste management policies and practices to be implemented and, where practical, a schedule for the implementation of the selected measures; and
- 8) Procedures for tracking implementation of the plan and progress toward achieving the goals.

- b) Prior to the development of the waste management plan, the hospital shall assess:

- 1) Current waste management practices;
- 2) All of the available data that it has collected on the types, quantities, and sources of its waste;
- 3) Technical information on alternative waste management practices, such as the American Hospital Association publication entitled "An Ounce of Prevention: Waste Management Strategies for Health Care Facilities," incorporated by reference at Section 229.104(a) of this Part; and
- 4) The feasibility of implementing additional waste management policies and practices, taking into account such considerations as:
 - A) The effectiveness of existing policies and practices;
 - B) The costs of additional measures;
 - C) The potential effects on patient care and worker safety;
 - D) The environmental benefits and savings;
 - E) The recycling options available in the area; and
 - F) The availability of products or equipment needed to implement alternative measures.

- c) The following measures, at a minimum, shall be considered when evaluating alternative waste management practices and developing waste management policies and procedures:

- 1) Segregating waste streams;
- 2) Phasing out the use of products containing toxic materials;
- 3) Reusing products and equipment;
- 4) Reducing the use of packaging and disposable items;
- 5) Collecting recyclable materials; and
- 6) Improving inventory control, training and housekeeping practices.

- d) Any waste management plan that has been developed by a hospital

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subject to the requirements of this Part prior to the effective date of this regulation may be incorporated into the waste management plan required by this Section for that hospital, to the extent that such a plan is consistent with the requirements of this Section.

- e) The owner or operator of each affected hospital shall submit a waste management plan to the Agency at the same time site-specific operating parameters are reported, as specified in Section 229.184(b) of this Part.
- f) The waste management plan shall be updated every 5 years to coincide with either the issuance or renewal of the facility's CAAPP permit.
- g) The owner or operator of each affected hospital shall submit a waste management progress report to the Agency annually, along with the annual emissions report required by 35 Ill. Adm. Code 201.302 and 254. The progress report shall include the following elements:
 - 1) A description of progress made during the previous calendar year toward meeting the goals established in the plan;
 - 2) A summary of the waste management practices that were implemented; and
 - 3) Any amendments to the plan along with a brief explanation of the need for the amendments.
- f) Upon written request, the affected hospital shall make the waste management plan and annual progress reports available for public review during normal business hours.

Section 229.178 Waste Management Plan Requirements for Hospitals Transporting Waste Off-Site to an HMIWI

- a) By September 15, 2000, the owner or operator of any hospital that transfers hospital or medical/infectious waste off-site to an HMIWI shall conduct an assessment of its current waste management program and consider additional technically and economically feasible measures for reducing the volume and toxicity of waste to be incinerated.
- b) In identifying additional technically and economically feasible waste management practices, the owner or operator shall consider:
 - 1) Segregating waste streams;
 - 2) Phasing out the use of products containing toxic materials;
 - 3) Reusing products and equipment;
 - 4) Reducing the use of packaging and disposable items;
 - 5) Collecting recyclable materials; and
 - 6) Improving inventory control, training and housekeeping practices.
- c) Within 1 year after the assessment conducted pursuant to subsection (a) of this Section, and annually thereafter, affected hospitals shall submit a waste management progress report to the Agency. The progress report shall summarize any waste management policies and practices that were implemented in the previous calendar year.

Section 229.180 Waste Management Requirements for HMIWIs Accepting Waste Generated Off-Site

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- a) The owner or operator of any HMIWI that accepts hospital waste or medical/infectious waste generated off-site shall:
 - 1) Provide hospital, medical or infectious waste customers with written information at least once a year concerning the availability of waste management practices for reducing the volume and toxicity of waste to be incinerated; and
 - 2) Submit a waste management plan to the Agency, in accordance with Section 229.184(b) of this Part, that outlines the efforts that will be undertaken to distribute information as specified in subsection (a)(1) of this Section and identifies the information that will be distributed.
- b) Paper or electronic copies of the materials disseminated under this Section shall be made available to the Agency upon written request.

SUBPART L: RECORDKEEPING AND REPORTING REQUIREMENTS

Section 229.182 Recordkeeping Requirements

- a) The owner or operator of an HMIWI subject to the emission limits under Subpart E of this Part shall maintain records of the following information:
 - 1) The calendar date of each record;
 - 2) The following data, where applicable:
 - A) Concentrations of all applicable pollutants listed in Section 229.125(b) or 229.126(b) of this Part (as determined by the CEMS, if applicable) and any measurements of opacity as required under Section 229.125(c) or 229.126(c);
 - B) HMIWI charge dates, times and weights, and hourly charge rates;
 - C) If a fabric filter is used, the fabric filter inlet temperatures during each minute of operation;
 - D) The amount and type of dioxin/furan sorbent used during each hour of operation;
 - E) The amount and type of Hg sorbent used during each hour of operation;
 - F) The amount and type of HCl sorbent used during each hour of operation;
 - G) The secondary chamber temperatures recorded during each minute of operation;
 - H) The liquor flow rate to the wet scrubber inlet during each minute of operation;
 - I) The horsepower or amperage to the wet scrubber during each minute of operation;
 - J) Any pressure drop across the wet scrubber system during each minute of operation;
 - K) The temperature at the outlet from the wet scrubber during each minute of operation;
 - L) The pH at the inlet to the wet scrubber during each minute

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- of operation;
 - M) Identification of any use of the bypass stack, including dates, times, and the duration of such use; and
 - N) For sources complying with Section 229.166(b)(3) of this Part, all operating parameter data monitored;
- 3) Identification of any calendar days for which data on emission rates or operating parameters specified under subsection (a)(2) of this Section have not been obtained, with an identification of the emission rates or operating parameters not measured, reasons for not obtaining data, and a description of the corrective actions taken;
- 4) Identification of any malfunctions, including the calendar date, the time and duration, and a description of the malfunction and of the corrective action taken to remedy it;
- 5) Identification of calendar days for which data on emission rates or operating parameters specified under subsection (a)(2) of this Section exceeded the applicable limits, with a description of the exceedances, reasons for such exceedances, and a description of the corrective actions taken;
- 6) The results of the initial, annual, and any other performance tests;
- 7) Records of calibration of any monitoring devices as required under Sections 229.166(b)(1), (2) and (3) and 229.168(a) and (b) of this Part; and
- 8) Identification of the names of all HMIWI operators who have met the criteria for qualification under Section 229.170 of this Part, including:
 - A) Documentation of training and the dates of the training; and
 - B) The date of the initial review and all subsequent annual reviews of the information specified in Section 229.172(a) of this Part, as required by Section 229.172(b) of this Part.
- b) The owner or operator of an HMIWI claiming an exemption from the emission limits in this Part pursuant to Section 229.110(b) of this Part shall keep contemporaneous records identifying each period of time when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned, including the calendar date and duration of such periods.
- c) The owner or operator of an HMIWI claiming an exemption pursuant to Section 229.110(c) of this Part shall keep records on a calendar quarter basis demonstrating that only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned.
- d) The owner or operator of a co-fired combustor claiming an exemption from the emission limits under Section 229.110(d) of this Part shall maintain records on a calendar quarter basis of the relative weight of hospital waste and/or medical/infectious waste, and of all other fuels or waste combusted.
- e) The owner or operator of each rural HMIWI shall maintain records of

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the annual equipment inspections required under Section 229.162 of this Part, any required maintenance, and any repairs not completed within 10 days after an inspection or the time frame established by the Agency.

- f) All records required under this Section shall be maintained onsite for a period of 5 years, in either paper copy or electronic format, unless an alternative format has been approved by the Agency in a permit condition.
- g) All records required to be maintained pursuant to this Section shall be made available to the Agency upon request.

Section 229.184 Reporting Requirements

- a) The facilities manager and the responsible official for the affected source shall certify each report required under this Section.

- b) The owner or operator of an HMIWI shall submit to the Agency the results of any performance test conducted on the HMIWI within 60 days after conducting the performance test. The information submitted with the initial performance test required by Section 229.142 of this Part shall include:
 - 1) The test data and values for the site-specific operating parameters established for an HMIWI pursuant to either Section 229.142(d), (e) or (f) of this Part, as applicable; and
 - 2) A copy of the waste management plan required under Subpart K of this Part.

- c) All owners or operators of HMIWIs shall submit the information specified under this subsection (c) to the Agency by September 15, 2001 and by September 15 of each year thereafter. Once an HMIWI is issued a CAAPP permit, the owner or operator of an HMIWI shall submit these reports semi-annually, in accordance with subsection (d) of this Section. The annual report shall include the following information:
 - 1) The values for site-specific operating parameters established pursuant to either Section 229.142(d), (e) or (f) of this Part;
 - 2) The highest maximum operating parameter and the lowest minimum operating parameter, as applicable, for each operating parameter, recorded for the calendar year being reported and for the calendar year preceding the year being reported;
 - 3) Any information recorded pursuant to Section 229.182(a)(3) through (5) of this Subpart for the calendar year being reported and for the calendar year preceding the year being reported;
 - 4) If no exceedances or malfunctions were recorded under Section 229.182(a)(3) through (a)(5) of this Subpart for the calendar year being reported, a statement that no exceedances occurred during the reporting period; and
 - 5) Any use of the bypass stack, the duration of use, the reason for malfunction, and the corrective actions taken.

- d) Once the owner or operator of an HMIWI is required to submit semiannual reports, these reports must be submitted within 60 days

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following the end of the reporting period. The first semiannual reporting period ends on March 15 of each year and the second semiannual reporting period ends on September 15 of each year.

- e) The owner or operator of each rural HMIWI subject to the emission limits under Section 229.126(b) of this Part, shall submit an annual report containing all information listed in subsections (b) and (c) of this Section by no later than 60 days following the year in which the data was collected. Subsequent reports shall be sent no later than 12 calendar months following the previous report. Once the unit is subject to permitting requirements under the CAAPP, the owner or operator shall submit these reports semiannually in accordance with the schedule specified in subsection (d) of this Section.

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Section 229.APPENDIX A Toxic Equivalency (TEQ) Factors

The following TEQ factors shall be used to determine compliance with the dioxin/furans standards under either Section 229.125(b) or Section 229.126(b) of this Part.

Dioxin/Furan Congener	Toxic Equivalency Factor
2,3,7,8-tetrachlorinated dibenzo-p-dioxin	1.0
1,2,3,7,8-pentachlorinated dibenzo-p-dioxin	0.5
1,2,3,4,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,7,8,9-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,6,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzo-p-dioxin	0.01
octachlorinated dibenzo-p-dioxin	0.001
2,3,7,8-tetrachlorinated dibenzofuran	0.1
2,3,4,7,8-pentachlorinated dibenzofuran	0.5
1,2,3,7,8-pentachlorinated dibenzofuran	0.05
1,2,3,4,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,7,8,9-hexachlorinated dibenzofuran	0.1
2,3,4,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzofuran	0.01
1,2,3,4,7,8,9-heptachlorinated dibenzofuran	0.01
Octachlorinated dibenzofuran	0.001

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Section 229.APPENDIX B Operating Parameters to be Monitored and Minimum Measurement and Recording Frequencies

An "X" in any box in this matrix means that measurement of that parameter is required.

MINIMUM FREQUENCY				CONTROL SYSTEM			
Operating Parameters	Data Measurement	Data Recording	Dry Scrubber Followed by Fabric Filter	Wet Scrubber	Dry Scrubber Followed by Fabric Filter and Wet Scrubber		
Maximum(l) Charge Rate	Continuous	Once per hour	X	X	X		
Maximum Fabric Filter Inlet Temperature	Continuous	Once per minute	X		X		
Maximum flue gas temperature	Continuous	Once per minute	X	X			
Minimum secondary chamber temperature	Continuous	Once per minute	X	X	X		
Minimum Dioxin/Furan Sorbent Flow Rate	Hourly	Once per hour	X		X		
Minimum HCl Sorbent Flow Rate	Hourly	Once per hour	X		X		
Minimum Hg Sorbent Flow Rate	Hourly	Once per hour	X		X		

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Minimum Pressure Drop Across the Wet Scrubber or Minimum Horsepower or Amperage to Wet Scrubber	Continuous	Once per minute	X	X
Minimum Scrubber Liquor Flow Rate	Continuous	Once per minute	X	X
Minimum Scrubber Liquor pH	Continuous	Once per minute	X	X

(1) For batch HMIWIs, record the charge per batch.

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Section 229.APPENDIX C Reference Test Methods and Procedures for Performance Tests

The following test methods and procedures shall be used as specified in Section 229.140(e) of this Part, when conducting any performance test for the purpose of demonstrating compliance with the emission limits established under this Part.

- All performance tests shall consist of a minimum of 3 test runs conducted under representative operating conditions. The minimum sample time of 1 hour per test run shall be used unless otherwise indicated. In order to demonstrate compliance with the emission limits set forth in Subpart E of this Part, the arithmetic average of all 3 performance test runs shall be used.
- Method 1, at 40 CFR 60, incorporated by reference at Section 229.104(d) of this Part, shall be used to select the sampling location and number of traverse points.
- Method 2, at 40 CFR 60, shall be used to determine average gas density, as well as to measure gas velocity.
- Method 3 or 3A, at 40 CFR 60, shall be used for gas composition analysis, including measurement of oxygen concentration. Method 3 or 3A, at 40 CFR 60, shall be used simultaneously with each reference method.
- The pollutant concentrations shall be adjusted to 7 percent oxygen using the following equation:

$$C[adj] = C[meas] (20.9-7)/(20.9-\%O_2)$$

Where:

- $C[adj]$ = pollutant concentration adjusted to 7 percent oxygen;
- $C[meas]$ = pollutant concentration measured on a dry basis (20.9-7) = 20.9 percent oxygen - 7 percent oxygen (defined oxygen correction basis);
- 20.9 = oxygen concentration in air, percent; and
- $\%O_2$ = oxygen concentration measured on a dry basis, percent.

- Method 5 or 29, at 40 CFR 60, shall be used to measure particulate

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matter emissions.

- g) Method 9, at 40 CFR 60, shall be used to measure stack opacity.
- h) Method 10 or 10B, at 40 CFR 60, shall be used to measure CO emissions.
- i) Method 23, at 40 CFR 60, shall be used to measure total dioxin/furan emissions. The minimum sample time shall be 4 hours per test run. If the affected facility has selected the TEQ for dioxin/furans (set out in Appendix A of this Part), as provided under Section 229.125(b) or 229.126(b) of this Part, whichever is applicable, the following procedures shall be used to determine compliance:
- 1) Measure the concentration of each dioxin/furan tetra-through-octa-congener emitted using Method 23;
 - 2) For each dioxin/furan congener measured in accordance with subsection (i)(1) of this Section, multiply the congener concentration by its corresponding TEQ factor specified in Appendix A of this Part; and
 - 3) Sum the products calculated in accordance with subsection (i)(2) of this Section to obtain the total concentration of dioxin/furans emitted in terms of TEQ.
- j) Method 26, at 40 CFR 60, shall be used to measure HCl emissions. If the affected facility has selected the percentage reduction standard for HCl as provided under Section 229.125(b) or 229.126(b) of this Part, whichever is applicable, the percentage reduction in HCl emissions (%R[HCl]) is computed using the following formula:

$$(\%R[HCl]) = ((E[i]-E[o])/E[i]) \times 100$$

Where:

%R[HCl] = percentage reduction of HCl emissions achieved;

E[i] = HCl emissions concentration measured at the control device inlet, corrected to 7 percent oxygen (dry basis); and

E[o] = HCl emissions concentration measured at the control device outlet, corrected to 7 percent oxygen (dry basis).

- k) Method 29, at 40 CFR 60, shall be used to measure Pb, Cd, and Hg emissions. If the affected facility has selected the percentage reduction standards for metals as provided in Section 229.125(b) or 229.126(b) of this Part, whichever is applicable, the percentage reduction in emissions (%R[metal]) is computed using the following formula:

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$$(\%R[metal]) = ((E[i]-E[o])/E[i]) \times 100$$

Where:

%R[metal] = percentage reduction of metal emissions (Pb, Cd, or Hg) achieved;

E[i] = metal emissions concentration (Pb, Cd, or Hg) measured at the control device inlet, corrected to 7 percent oxygen (dry basis); and

E[o] = metal emissions concentration (Pb, Cd, or Hg) measured at the control device outlet, corrected to 7 percent oxygen (dry basis).

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Lobbyist Registration and Reports
- 2) Code Citation: 2 Ill. Adm. Code 560
- 3) Section Number
560.371 Proposed Action
New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Lobbyist Registration Act [25 ILCS 170] (see P.A. 90-78 and 90-737).
- 5) A Complete Description of the Subjects and Issues Involved: This rule clarifies the Act's requirement of two notifications to officials and the manner in which lobbyists may satisfy this requirement.
- 6) Will this proposed rule replace an emergency rule currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:

Carol Sudman, Assistant Counsel
298 Howlett Building
Springfield, Illinois 62756
217/785-3094
csudman@ccgate.sos.state.il.us
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: This rule will affect any business, non-profit entity, or person registered as a lobbyist. This rule will not affect any unit of government.
 - B) Reporting, bookkeeping or other procedures required for compliance: Additional reporting requirements include: Notifications to officials as provided by the Act.
 - C) Types of professional skills necessary for compliance: No professional skills are relevant to this rulemaking.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

- 13) State reason(s) for this rulemaking if it was not included in either of the two most recent regulatory agendas: The Secretary of State did not anticipate widespread confusion among lobbyists regarding the new statutory notification requirements.

The Proposed Amendment is identical to the Emergency Amendment published in this issue of the Illinois Register on page _____.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Environmental Disclosure
- 2) Code Citation: 83 Ill. Adm. Code 421
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
421.10	New Section
421.20	New Section
421.30	New Section
421.40	New Section
421.40	New Section
421.Exhibit A	New Section
421.Exhibit B	New Section
421.Exhibit C	New Section
- 4) Statutory Authority: Implementing and authorized by Section 16-127 of the Public Utilities Act [220 ILCS 5/16-127].
- 5) Effective Date of Rules: December 15, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) A copy of the adopted rule is on file in the Commission's principal office in Springfield and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 7, 1998, at 22 Ill. Reg. 14366
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:

Table of Contents: Heading of Exhibit A modified to read "Sources of Electricity Table".

Section 421.10: Insert "to those customers to whom" and delete "with those customer bills for which".

Section 421.20, at the end of the definition of "Unknown resources purchased from other companies", add "This maximum extent practical standard is beyond a good faith showing and requires an electric utility or ARES to be prepared to make a compelling showing that it is absolutely not practical to obtain and provide the information in question. Such a compelling showing may be made by demonstrating that all reasonable steps to obtain and provide the information have been made."

Section 421.40: Replace originally proposed text with the following:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

"a) Every utility and ARES shall, on at least a quarterly basis, provide in billing inserts the following information, in a clearly legible manner, to the maximum extent practicable:

- 1) A break-down, on a percentage basis, of the known sources of electricity supplied in Illinois. This break-down shall provide percentages of biomass power, coal-fired power, hydro power, natural gas-fired power, nuclear power, oil-fired power, solar power, wind power, other resources and unknown resources purchased from other companies, respectively.

A) The percentage used shall be rounded to the nearest whole number.

B) Any source of electricity in subsection (a)(1) that is not used shall be listed in the table and depicted as "0%".

C) This table shall be as depicted in Exhibit A.

- 2) A pie-chart that graphically depicts the information in subsection (a)(1).

A) Any source of electricity in subsection (a)(1) that is not used shall not be depicted in the pie-chart.

B) Each segment in the pie-chart shall be depicted in the following colors: biomass power - light brown; coal-fired power - black; hydro power - blue; natural gas-fired power - grey; nuclear power - red; oil-fired power - dark brown; solar power - yellow; wind power - green; other resources - white; and unknown resources purchased from other companies - purple.

C) This pie-chart shall be as depicted in Exhibit B.

- 3) A table that depicts the amounts of carbon dioxide, nitrogen oxides and sulfur dioxide emissions and high-level and low-level nuclear waste attributable to the aggregate known sources of electricity identified in subsection (a)(1).

A) The carbon dioxide emissions, nitrogen oxide emissions, and sulfur dioxide emissions shall be stated in pounds per 1,000 kilowatt-hours (lbs/1,000 kWh).

B) The high-level nuclear waste shall be stated in pounds of high-level nuclear waste per 1,000 kilowatt-hours (lbs/1,000 kWh).

C) The low-level nuclear waste shall be stated in cubic feet of

ILLINOIS COMMERCE COMMISSION

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low-level nuclear waste per 1,000 kilowatt-hours (ft3/1,000 kWh).

- D) Any high-level nuclear waste that is less than "0.0001" shall be depicted as "<0.0001".
- E) The table shall include a footnote to disclose the percentage of total electrical power supplied for which the utility or ARES does not know the amount of emissions in subsection (a)(3)(A) or nuclear waste in subsections (a)(3)(B) and (C).
- F) A note shall be placed below the table and footnote and read as follows: "Additional information on companies selling electrical power in Illinois may be found at the Illinois Commerce Commission's World Wide Web site (www.icc.state.il.us)".
- G) This table and footnote shall be as depicted in Exhibit C with the addition of the note in subsection (a)(3)(F).

- b) Any other information the utility or ARES believes to be relevant to the information required may be provided in the inserts, but outside of the box surrounding the information required by subsection (a).

- c) A utility or ARES that has received the permission of the Commission to use postcard billing as of January 1, 1998 may disclose the required information to customers on a postcard sent at the same time as a customer's bill so long as that utility or ARES continues to use postcard billing.

- d) The information shall be provided in a separate billing insert and shall be displayed with the following notation: "The disclosure of this information is required by the under Section 16-127 of the Electric Service Customer Choice and Rate Relief Law of 1997 and the rules of the Illinois Commerce Commission, 83 Ill. Adm. Code 421."

- e) A utility or ARES mailing a separate billing insert shall identify itself on the insert.

- f) The separate billing inserts shall be clearly printed in a font no smaller than 12 point and shall be at least 6"x9" in size.

- g) Beginning January 1, 1999, the information in subsection (a) shall be provided with customer bill mailings beginning with the first billing cycle of April, July, October, and January.

- 1) Information for the 12 month period ending March 31 of each year shall be included in July bills issued that year; information for

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the 12 month period ending June 30 of each year shall be included in October bills issued that year; information for the 12 month period ending September 30 of each year shall be included in bills issued in January of the following year; and information for the 12 month period ending December 31 of each year shall be included in bills issued in April of the following year.

- 2) For disclosure during calendar year 1999, utilities and ARES shall provide information for the preceding 12 month period, to the extent such information is available. Utilities and ARES shall explicitly state the period on which the disclosure is based."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these rules replace an emergency rules currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rules: These rules implement Section 16-127 of the Public Utilities Act. That Section of the Act requires utilities and alternative retail electric suppliers to inform their customers on the sources of electricity used by the utilities or suppliers. The rules set out the guidelines for the provision of the information.

- 16) Information and questions regarding these adopted rules shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield IL 62794-9280
(217) 785-3922

The full text of the Adopted Rules begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
 CHAPTER I: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER c: ELECTRIC UTILITIES

PART 421

ENVIRONMENTAL DISCLOSURE

Section	Applicability
421.10	Definitions
421.20	Disclosure Statements Provided to the Commission
421.30	Customer Billing Disclosure Statements
421.40	Sources of Electricity Table
EXHIBIT A	Sources of Electricity Supplied Pie-Chart
EXHIBIT B	Emissions and Nuclear Waste Table
EXHIBIT C	

AUTHORITY: Implementing and authorized by Section 16-127 of the Public Utilities Act [220 ILCS 5/16-127].

SOURCE: Adopted at 22 Ill. Reg. 22220, effective

DEC 1 8 1998

Section 421.10 Applicability

This Part shall apply to all electric utilities and alternative retail electric suppliers. Unless otherwise required pursuant to a contract or a tariff governed by Section 16-118(b) of the Public Utilities Act [220 ILCS 5/16-118(b)], a utility shall not be required to provide the information required by this Part to those customers to whom the utility provides only delivery services for power that is provided and billed by a different utility or alternative retail electric supplier. Unless otherwise required pursuant to a contract or a tariff governed by Section 16-118(b) of the Public Utilities Act, a utility is not required to provide to the Illinois Commerce Commission the information required by this Part as such information relates to power that the utility only delivers and does not generate and/or sell itself.

Section 421.20 Definitions

For purposes of this Part, the following definitions shall apply:

"Act" means the Public Utilities Act [220 ILCS 5].

"Alternative retail electric supplier" or "ARES" has the same meaning as defined in Section 16-102 of the Act [220 ILCS 5/16-102].

"Biomass power" means any resource that derives its power primarily from the combustion of dedicated crops grown for energy production and

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organic wastes.

"Carbon dioxide" means the chemical compound with each single carbon atom combined with two oxygen atoms.

"Coal-fired power" means any resource that derives its power primarily from the combustion of coal.

"Commission" means the Illinois Commerce Commission.

"Electric utility" or "utility" means a public utility as defined in Section 3-105 and Section 16-102 of the Act [220 ILCS 5/3-105, 16-102].

"High-level nuclear waste" means nuclear fuel that has been removed from a nuclear reactor.

"Hydro power" means any resource that derives its power primarily from the flow or falling of water.

"Low-level nuclear waste" means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct materials as defined in Section 11e(2) of the Atomic Energy Act (42 USC 2021). This definition shall apply notwithstanding any declaration by the federal government or any state that any radioactive material is exempt from any regulatory control.

"Natural gas-fired power" means any resource that derives its power primarily from the combustion of natural gas.

"Nitrogen oxides" are chemical compounds with each single nitrogen atom combined with one or more oxygen atoms.

"Nuclear power" means any resource that derives its power primarily from the fission of atoms.

"Oil-fired power" means any resource that derives its power primarily from the combustion of oil.

"Other resources" means any known resource that derives its power primarily from sources or processes not described in this Section.

"Solar power" means any resource that derives its power primarily from the sun.

"Sulfur dioxide" means the chemical compound with each single sulfur atom combined with two oxygen atoms.

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"Unknown resources purchased from other companies" means any resource that is neither owned nor operated by the utility or ARES and that derives its power from a source or process that cannot be identified by the utility or ARES, after making all efforts to the maximum extent practicable to identify the source or process that produces the power. This maximum extent practical standard is beyond a good faith showing and requires an electric utility or ARES to be prepared to make a compelling showing that it is absolutely not practical to obtain and provide the information in question. Such a compelling showing may be made by demonstrating that all reasonable steps to obtain and provide the information have been made.

"Wind power" means any resource that derives its power primarily from the flow of wind.

Section 421.30 Disclosure Statements Provided to the Commission

a) The following information shall be submitted to the Commission from every utility and ARES, to the maximum extent practicable, on at least a quarterly basis:

1) A break-down, on a percentage basis, of the known sources of electricity supplied in Illinois. This break-down shall provide percentages of biomass power, coal-fired power, hydro power, natural gas-fired power, nuclear power, oil-fired power, solar power, wind power, other resources and unknown resources purchased from other companies, respectively.

A) The percentage used shall be rounded to the nearest whole number.

B) Any source of electricity in subsection (a)(1) that is not used shall be listed in the table and depicted as "0%".

C) This table shall be as depicted in Exhibit A.

2) A pie-chart, which graphically depicts the information in subsection (a)(1), shall also be provided.

A) Any source of electricity in subsection (a)(1) that is not used shall not be depicted in the pie-chart.

B) Each segment in the pie-chart shall be depicted in the following colors: biomass power - light brown; coal-fired power - black; hydro power - blue; natural gas-fired power - grey; nuclear power - red; oil-fired power - dark brown; solar power - yellow; wind power - green; other resources - white; and unknown resources purchased from other companies - purple.

C) This pie-chart shall be as depicted in Exhibit B.

3) A table shall be provided that depicts the amounts of carbon dioxide, nitrogen oxides and sulfur dioxide emissions and high-level and low-level nuclear waste attributable to the aggregate known sources of electricity identified in subsection (a)(1).

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A) The carbon dioxide emissions, nitrogen oxide emissions, and sulfur dioxide emissions shall be stated in pounds per 1,000 kilowatt-hours (lbs/1,000 kWh).

B) The high-level nuclear waste shall be stated in pounds of high-level nuclear waste per 1,000 kilowatt-hours (lbs/1,000 kWh).

C) The low-level nuclear waste shall be stated in cubic feet of low-level nuclear waste per 1,000 kilowatt-hours (ft(3)/1,000 kWh).

D) Any high-level nuclear waste that is less than "0.0001" shall be depicted as "<0.0001".

E) The table shall include a footnote to disclose the percentage of total electrical power supplied for which the utility or ARES does not know the amount of emissions in subsection (a)(3)(A) or nuclear waste in subsections (a)(3)(B) and (C).

F) This table and footnote shall be as depicted in Exhibit C.

4) Any other information the utility or ARES believes to be relevant to the information required may be provided.

5) A utility or ARES submitting information shall identify itself on such information.

b) Information timetable

1) Information in subsection (a) for the 12 month period ending March 31 of each year shall be provided to the Commission on July 1 of that year; information for the 12 month period ending June 30 of each year shall be provided on October 1 of that year; information for the 12 month period ending September 30 of each year shall be provided on January 1 of the following year; and information for the 12 month period ending December 31 of each year shall be provided on April 1 of the following year.

2) For disclosure during calendar year 1999, utilities and ARES shall provide information for the preceding 12 month period, to the extent such information is available. Utilities and ARES shall explicitly state the period on which the disclosure is based.

c) Filing requirements

1) The information required to be filed by this Part shall be submitted to the Commission in both printed and electronic form. The printed version shall be the same as that submitted in mailings to customers pursuant to Section 16-127(a) and (b) of the Act [220 ILCS 5/16-127(a) and (b)] and shall be the official version filed with the Commission's Chief Clerk. The computerized version of the data and information shall be in a clearly legible 12 point font size in the format described in subsections (a)(1), (2), and (3) of this Section and provided electronically in Microsoft Word Version 7.0, IBM personal computer compatible file format and delivered to the Commission's offices on 3.5 inch floppy disks. The computerized version of

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the data and information shall be included in the Commission's World Wide Web site (www.icc.state.il.us).

- 2) The information filed with the Commission pursuant to this Section shall be signed by an officer, agent or attorney for the utility or ARES. The contents of the filing shall be verified by the filing party before a notary public.

Section 421.40 Customer Billing Disclosure Statements

- a) Every utility and ARES shall, on at least a quarterly basis, provide in billing inserts the following information, in a clearly legible manner, to the maximum extent practicable:

- 1) A break-down, on a percentage basis, of the known sources of electricity supplied in Illinois. This break-down shall provide percentages of biomass power, coal-fired power, hydro power, natural gas-fired power, nuclear power, oil-fired power, solar power, wind power, other resources and unknown resources purchased from other companies, respectively.

- A) The percentage used shall be rounded to the nearest whole number.

- B) Any source of electricity in subsection (a)(1) that is not used shall be listed in the table and depicted as "0%".

- C) This table shall be as depicted in Exhibit A.

- 2) A pie-chart that graphically depicts the information in subsection (a)(1).

- A) Any source of electricity in subsection (a)(1) that is not used shall not be depicted in the pie-chart.

- B) Each segment in the pie-chart shall be depicted in the following colors: biomass power - light brown; coal-fired power - black; hydro power - blue; natural gas-fired power - grey; nuclear power - red; oil-fired power - dark brown; solar power - yellow; wind power - green; other resources - white; and unknown resources purchased from other companies - purple.

- C) This pie-chart shall be as depicted in Exhibit B.

- 3) A table that depicts the amounts of carbon dioxide, nitrogen oxides and sulfur dioxide emissions and high-level and low-level nuclear waste attributable to the aggregate known sources of electricity identified in subsection (a)(1).

- A) The carbon dioxide emissions, nitrogen oxide emissions, and sulfur dioxide emissions shall be stated in pounds per 1,000 kilowatt-hours (lbs/1,000 kWh).

- B) The high-level nuclear waste shall be stated in pounds of high-level nuclear waste per 1,000 kilowatt-hours (lbs/1,000 kWh).

- C) The low-level nuclear waste shall be stated in cubic feet of low-level nuclear waste per 1,000 kilowatt-hours (ft(3)/1,000 kWh).

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- D) Any high-level nuclear waste that is less than "0.0001" shall be depicted as "<0.0001".

- E) The table shall include a footnote to disclose the percentage of total electrical power supplied for which the utility or ARES does not know the amount of emissions in subsection (a)(3)(A) or nuclear waste in subsections (a)(3)(B) and (C).

- F) A note shall be placed below the table and footnote and read as follows: "Additional information on companies selling electrical power in Illinois may be found at the Illinois Commerce Commission's World Wide Web site (www.icc.state.il.us)".

- G) This table and footnote shall be as depicted in Exhibit C with the addition of the note in subsection (a)(3)(F).

- b) Any other information the utility or ARES believes to be relevant to the information required may be provided in the inserts, but outside of the box surrounding the information required by subsection (a).

- c) A utility or ARES that has received the permission of the Commission to use postcard billing as of January 1, 1998 may disclose the required information to customers on a postcard sent at the same time as a customer's bill so long as that utility or ARES continues to use postcard billing.

- d) The information shall be provided in a separate billing insert and shall be displayed with the following notation: "The disclosure of this information is required under Section 16-127 of the Electric Service Customer Choice and Rate Relief Law of 1997 and the rules of the Illinois Commerce Commission, 83 Ill. Adm. Code 421."

- e) A utility or ARES mailing a separate billing insert shall identify itself on the insert.

- f) The separate billing inserts shall be clearly printed in a font no smaller than 12 point and shall be at least 6" x 9" in size.

- g) Beginning January 1, 1999, the information in subsection (a) shall be provided with customer bill mailings beginning with the first billing cycle of April, July, October, and January.

- 1) Information for the 12 month period ending March 31 of each year shall be included in July bills issued that year; information for the 12 month period ending June 30 of each year shall be included in October bills issued that year; information for the 12 month period ending September 30 of each year shall be included in bills issued in January of the following year; and information for the 12 month period ending December 31 of each year shall be included in bills issued in April of the following year.

- 2) For disclosure during calendar year 1999, utilities and ARES shall provide information for the preceding 12 month period, to the extent such information is available. Utilities and ARES shall explicitly state the period on which the disclosure is based.

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Section 421.EXHIBIT B Sources of Electricity Supplied Pie-Chart

Sources of Electricity Supplied
for the 12 months ending mm dd yy

GRAPHIC MATERIAL

See printed copy of IAC for detail

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Section 421.EXHIBIT A Sources of Electricity Table

Percentage of Total

Sources of Electricity Supplied

for the 12 months ending

mm dd yy

Biomass power

Coal-fired power

Hydro power

Natural gas-fired power

Nuclear power

Oil-fired power

Solar power

Wind power

Other resources

Unknown resources purchased

from other companies

TOTAL

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Section 421. EXHIBIT C Emissions and Nuclear Waste Table

AVERAGE AMOUNTS OF EMISSIONS
and
AMOUNT OF NUCLEAR WASTE
per 1000 kilowatt-hours (kwh)
PRODUCED from KNOWN(1) SOURCES
for the 12 months ending mm dd yy

Carbon Dioxide	YY lbs
Nitrogen Oxides	YY lbs
Sulfur Dioxide	YY lbs
High-Level Nuclear Waste	YY lbs
Low-Level Nuclear waste	YY ft(3)

FOOTNOTE

- (1) xx% of the total electricity supplied was purchased from other suppliers and the amounts of emissions and amount of nuclear waste attributable to producing this electricity is not known and is not included in this table.

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- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision

- 2) Code Citation: 23 Ill. Adm. Code 1

- 3) Section Numbers: Adopted Action:

1.10	Amendment
1.20	Amendment
1.30	Amendment
1.40	Repeal
1.50	Amendment
1.60	Repeal
1.70	Repeal
1.80	Amendment
1.85	New Section
1.90	Amendment
1.100	Amendment
1.420	Amendment
1. APPENDIX D	Amendment
1. APPENDIX E	Repeal
1. APPENDIX F	Repeal
1. APPENDIX G	Repeal

- 4) Statutory Authority: 105 ILCS 5/2-3.6

- 5) Effective Date of Rulemaking: December 8, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? The rules do contain incorporations by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act (see Section 1.50).

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: June 5, 1998; 22 Ill. Reg. 9404

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: In Section 1.30(a), the deadline for a district's assurance to the regional superintendent has been changed from August 31 to September 30.

Throughout Appendix D, the Illinois Learning Standards have been inserted after the respective State Goals for Learning to which they relate. In

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Section 1.10, the proposed reference to the Illinois Learning Standards has been revised to state, "amplified by the 'Illinois Learning Standards,' also set forth in that Appendix D."

- 12) Have all the changes agreed upon by the agency and JC&AR been made as indicated in the agreements issued by JC&AR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This set of amendments serves two major purposes. First, it puts in place the policy decisions made by the Board in recent months with regard to the accountability framework for public schools, including provisions with regard to quality review and placement of schools on the Academic Early Warning List. These changes are found throughout Subpart A, which has been substantially reorganized to convey as concisely as possible the requirements that continue to apply in conjunction with those that are new. Appendix D is being revised to set forth the revised State Goals for Learning adopted by the Board in July 1997 and the Illinois Learning Standards. In addition, Appendices E, F, and G are being repealed in their entirety because they pertained to the previous system of evaluating student performance and school improvement.

Second, these amendments respond to several pieces of recent legislation and serve to remove discrepancies and conform the rules to current law or usage. These include the changes in Sections 1.420(f), (g), (p), and (r).

The changes in Section 1.100 (Waiver and Modification of State Board Rules and School Code Mandates) are not the result of legislative action. These are changes that have been identified as necessary by the staff responsible for implementing the waiver process.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Cliff Erwin
Quality Assurance and Improvement Planning
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
217/782-2948

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: SCHOOL RECOGNITION REQUIREMENTS ADOPTED

Section

- 1.10 Public School Accountability Framework Definitions
1.20 Operational Requirements The School Accreditation Process
1.30 Quality Assurance Reviews Development of School Improvement Plans
1.40 Student Performance and School Improvement Requirements (Repealed)
1.50 State Assessment
1.60 Operational Compliance (Repealed)
1.70 Effective Dates of Accreditation (Repealed)
1.80 Academic Early Warning and Watch Lists First
1.85 Revisions to School Improvement Plans
1.90 System of Rewards and Recognition
1.100 Waiver and Modification of State Board Rules and School Code Mandates

SUBPART B: SCHOOL GOVERNANCE

Section

- 1.210 Powers and Duties
1.220 Duties of Superintendent
1.230 Board of Education and the School Code
1.240 Equal Opportunities for all Students
1.245 Waiver of School Fees
1.250 District to Comply with 23 Ill. Adm. Code 170 and 180
1.260 Commemorative Holidays to be Observed by Public Schools
1.270 Book and Material Selection
1.280 Discipline
1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Responsibilities
1.320 Duties
1.330 Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program

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- 1.420 Basic Standards
 1.430 Additional Criteria for Elementary Schools
 1.440 Additional Criteria for High Schools
 1.445 Required Course Substitute
 1.450 Special Programs
 1.460 Credit Earned Through Proficiency Examinations
 1.462 Uniform Annual Consumer Education Proficiency Test
 1.465 Ethnic School Foreign Language Credit and Program Approval
 1.470 Adult and Continuing Education
 1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

- Section
 1.510 Transportation
 1.520 School Food Services
 1.530 Health Services
 1.540 Pupil Personnel Services (Repealed)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

- Section
 1.610 Public School Districts
 1.620 Accreditation of Staff
 1.630 Noncertificated Personnel
 1.640 Requirements for Different Certificates
 1.650 Transcripts of Credits
 1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

- Section
 1.705 Minimum Requirements for Teachers
 1.710 Minimum Requirements for Elementary Teachers
 1.720 Minimum Requirements for Teachers of Middle Grades
 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above
 1.735 Requirements to Take Effect on July 1, 1991
 1.736 Requirements to Take Effect on July 1, 1994
 1.740 Standards for Reading
 1.750 Standards for Media Services
 1.760 Standards for Pupil Personnel Services
 1.770 Standards for Special Education Personnel
 1.780 Standards for Teachers in Bilingual Education Programs
 1.781 Requirements for Bilingual Education Teachers in Grades K-12
 1.782 Requirements for Teachers of English as a Second Language in Grades K-12
 1.790 Substitute Teacher

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- APPENDIX A Professional Staff Certification
 APPENDIX B Certification Quick Reference Chart
 APPENDIX C Glossary of Terms
 APPENDIX D State Goals for Learning
 APPENDIX E Evaluation Criteria - Student Performance and School Improvement Determination (Repealed)
 APPENDIX F Criteria for Determination - Student Performance and School Improvement (Repealed)
 APPENDIX G Criteria for Determination - State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, and 27-23.3 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective

DEC 3 1998

SUBPART A: SCHOOL RECOGNITION REQUIREMENTS AGREEMENT

Section 1.10 Public School Accountability Framework Definitions

Section 27-1 of the School Code [105 ILCS 5/27-1] establishes the primary purpose of schooling as the transmission of knowledge and culture in certain fundamental learning areas and requires the State Board of Education to define the knowledge and skills which the State expects students to master. These "State Goals for Learning" are set forth in Appendix D to this Part and amplified by the "Illinois Learning Standards", also set forth in that Appendix D. Further, Section 2-3.25 of the School Code [105 ILCS 5/2-3.25] requires that the State Board of Education establish general operational recognition standards for public schools, and Section 2-3.25a of the School Code [105 ILCS 5/2-3.25a] requires that the Board develop recognition standards for student performance and school improvement.

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- a) Each school district shall ensure that each school makes available to all students instruction in the six fundamental learning areas, i.e., the language arts, mathematics, the biological, physical, and social sciences, the fine arts, and physical development and health. Each school district shall also ensure that a continuous school improvement process that includes all State Goals for Learning is carried out by each school in the district.
- b) Each school district is required to establish local learning objectives that are consistent with the primary purpose of schooling, assessment systems for measuring students' progress in the fundamental learning areas, reporting systems for informing the community and the State of assessment results, and plans for improvement, all of which are subject to approval by the State Board of Education (Sections 2-3.63 and 27-1 of the School Code [105 ILCS 5/2-3.63 and 27-1]).
- 1) Local learning objectives will be approved if they:
- A) are consistent with the primary purpose of schooling as defined in Section 27-1 of the School Code; and
- B) when taken together, are at least as comprehensive as the State Goals for Learning and the Illinois Learning Standards.
- 2) Assessment systems will be approved if they:
- A) are designed to yield information about the extent to which all students in at least the grade levels chosen by the district pursuant to Section 2-3.63 of the School Code are achieving in the fundamental learning areas;
- B) include reasonable accommodations or alternative tests or procedures for students with disabilities or limited English proficiency.
- 3) Reporting systems will be approved if they include presentation and interpretation of student achievement information:
- A) at regular school board meetings;
- B) in newspapers of general circulation and other news media serving the area in which the school district is located; and
- C) in communications with parents of the district's pupils, which shall take into account the needs of parents with limited English proficiency.
- 4) School improvement plans will be approved if they contain:
- A) demographic information about students and information about attendance, truancy, mobility, retention, and expulsion rates and, for high schools, graduation and dropout rates;
- B) information about the extent to which all students in the grade levels chosen by the district pursuant to Section 2-3.63 of the School Code are achieving in the fundamental learning area;
- C) information on the school's State assessment results;
- D) an analysis, based on State and local assessment data and other available information, of factors which may be

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- contributing to any areas of underachievement by students;
- E) identification of measurable goals for improving the schools' programs and student performance in at least the areas of deficiency noted, including:
- i) specific, measurable steps to be taken;
- ii) a timeline for these activities; and
- iii) a budget for these activities;
- F) professional development activities for at least the staff providing services in the academic areas in which the school's performance has been deficient, which activities must also be reflected in the district's staff development plan required pursuant to Section 2-3.59 of the School Code [105 ILCS 5/2-3.59]; and
- G) a process for monitoring progress and revising the plan as needed.
- The following definitions apply to the accreditation system described in this Subpart A:
- Accreditation Status:--Statements as to the operational compliance of student performance and school improvement, and if applicable, state assessment determinations for a school made in accordance with this Subpart A.
- Benchmark--Grade--A--grade--designed--by--a--school--district--as--one--in which--students'--performance--relative--to--one--or--more--learning--outcomes will--be--assessed--as--identified--in--the--School--Improvement--Plan--for--each school.
- Expectation:--An--estimate--of--the--percent--of--students--in--a--school--who will--meet--the--defined--standard--for--a--learning--outcome.
- Educational Indicator:--A--statistic--that--tests--something--about--the performance--of--a--school.--For--a--statistic--to--be--an--indicator,--there must--be--a--standard--against--which--it--can--be--judged.--Indicators--must meet--certain--substantive--and--technical--standards--that--define--the--kind of--information--they--should--provide--and--the--features--they--should measure.--The--primary--educational--indicators--are--those--which--quantify or--describe--student--performance--other--important--indicators--include attendance, graduation, mobility, truancy and dropout rates.
- Learning Outcome:--A--statement--of--what--students--should--know--and--be able--to--do--in--order--to--demonstrate--achievement--of--a--State--Goal--for learning--or--portion--thereof.--A--learning--outcome--addresses--the content--of--one--or--more--State--Goals--for--learning--is--broader--in--focus than--a--learning--objective,--probes--the--range--and--depth--of--thinking skills--appropriate--to--the--State--Goals--for--learning--is--amenable--to assessment,--may--integrate--fundamental--learning--areas,--and--may--reflect problems--and--tasks--found--outside--the--classroom.

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Quality-----Review:--The-----school-----visitation-----process-----in-----which
representatives-of-the--State--Board--of--Education--ascertain--and/or
verify information-regarding-a-school.

Reliability:--Consistency-or-stability-of-assessment-results.

School:--An-attendance-center--within-a--district-as-defined-by-the
board-of-education-for-the-district.

School-Accreditation-Process:--The-system-described-in-this-Subpart--A
by-which-the-State-Board-of-Education-evaluates-schools.

School-Improvement:--Systematic-changes-in-the-educational-programs-of
a-school-which-bring-about-improved-academic-achievement-over-time-as
evidenced-by-data.

School-Improvement-Plan:--A-document-applicable-to-a-specified-school
as-set-forth-in-Section-1-30-of-this-Part.

Standard-for-a-Learning-Outcome:--The-criteria-by-which-students-are
determined-to-have-attained-a-specified-level-of-proficiency-in
relation-to-a-learning-outcome-as-measured-by-the-assessments)---A
standard-is-derived-from-two-activities:--identification-of-the
assessment-instruments--and--procedures-used-to-measure-students
learning-related-to-a-learning-outcome-and-identification-of-the
minimum-scores-required-to-evidence-successful-achievement-of-the
learning-outcome:--Until-October-17-1997--standards-for-learning
objectives-developed-pursuant-to-the-requirements-of-23-III-Adm-Code
210--(Learning-Assessment--and--School-Improvement-Plans)--may--be
substituted-for--standards--for--learning-outcomes-as-a-transitional
measure.

State-Goals-for-Learning:--Statements-of-what-students-should-know-and
be-able-to-do-in-each-of-the-fundamental-learning-areas-as-a-result-of
their-schooling---(See-Appendix-B.)

Student:--A-pupil-enrolled-in-a-district-and-assigned-to-an-attendance
center.

Student-Performance:--The-achievement--of--students--relative--to--the
standards-established-for-that-school-and-those-students.

Validity:--The-extent-to-which-an-assessment-method-produces-accurate
meaningful--and--useful--measures-of-the-skills-and-knowledge-it-was
designed-to-assess.

(Source: Amended at 22 Ill. Reg. 22238, effective
DEC 8 1998)

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Section 1.20 Operational Requirements ~~the-School-Accreditation-Process~~

a) Districts' and schools' recognition status is based upon compliance
with the requirements imposed by law, including but not limited to the
recognition standards established by the State Board of Education
pursuant to Section 2-3.25 of the School Code and this Part, as
modified or waived, if applicable, pursuant to Section 2-3.25g of the
School Code and Section 1.100 of this Part.

1) No later than September 30 of each year, each school district
shall apply for recognition of each school operated by the
district. This application shall be submitted to the respective
regional superintendent of schools on a form supplied by the
State Board of Education, except that a district operated
pursuant to Article 34 of the School Code [105 ILCS 5/34] shall
submit its application directly to the State Board.

2) No later than October 15 of each year, each regional
superintendent of schools shall summarize, on a form supplied by
the State Board of Education, the degree to which the schools in
the districts for which he or she is responsible adhere to
operational compliance requirements. The regional superintendent
shall recommend the assignment of recognition status as
applicable considering the compliance-related information
supplied.

3) As part of this process, the regional superintendent of schools
shall periodically visit the region's school districts as he or
she may deem necessary to ascertain the degree to which the
districts' schools comply with operational requirements.

b) Based upon the information provided by the district and the regional
superintendent, the State Board shall prepare a certificate of
recognition status for each school and for each district as a whole
and shall provide these certificates to all districts. In each case,
the recognition status assigned shall be either "Fully Recognized",
"Recognized Pending Further Review", "On Probation", or
"Nonrecognized".

1) Each school district or attendance center which meets the
requirements imposed by law, including the requirements
established by the State Board pursuant to Section 2-3.25 of the
School Code and this Part, shall be fully recognized.

2) A school or district shall be recognized pending further review
if it exhibits areas of noncompliance which:

A) are not serious enough to warrant probation as delineated in
subsection (b)(3) of this Section; and

B) will be corrected during the school year immediately
following their identification.

3) A school district or attendance center shall be placed on
probation if it:

A) exhibits deficiencies that present a health hazard or a
danger to students or staff;

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- B) fails to offer required coursework;
 C) employs personnel who lack the required qualifications and who are not in the process of attaining such qualifications;
 D) fails or refuses to serve students according to relevant legal and/or regulatory requirements; and/or
 E) prolongs or repeats instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements.

c) A school district with one or more schools on probation shall be required to submit a time-specific plan for the correction of the cited deficiencies to the regional superintendent of school and to the State Superintendent of Education.

d) A school or district which fails to correct cited deficiencies within the time set forth in its plan shall be nonrecognized and shall be ineligible to file any claim upon the common school fund or collect tuition from another school district.

e) The superintendent of a district in which one or more schools are not fully recognized may, within 30 days after notification to this effect, request a conference at which representatives of the district will have an opportunity to discuss compliance issues with representatives of the State Board of Education. If within the 30-day period the superintendent does not request a conference, the determination shall stand.

1) If a conference is requested by a superintendent on behalf of a nonrecognized school and the areas of concern are not resolved, the school board may submit an appeal by adopted board resolution. The appeal must identify the specific findings with which the district disagrees.

2) The district will be given a hearing in accordance with the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475), and a final decision will be made by the State Board of Education.

f) A district may at any time request that the regional superintendent of schools reevaluate a school that is recognized pending further review or on probation in order to verify improvements in the cited area(s) of noncompliance, so that the district's or school's status may be changed accordingly.

g) Each public school district shall participate annually in a School Accreditation Process as described in this Subpart A7, whereby evidence is provided for each of its schools as to operational compliance, meeting student performance and school improvement standards, and, if applicable, participation in the state assessment.

h) Each school district shall submit an Application for Accreditation for each of its schools by October 1 of each year in the form designated by the State Board of Education. At the time and in the forms determined by the State Board, additional information may also be required concerning the district's schools or the school(s) may be visited, to ascertain the appropriate accreditation status for the

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school(s) or to review a previously assigned accreditation status. Except as provided in Section 1-90 of this Part, each school shall receive a Quality Review visit at least once every five school years to verify or determine the extent to which it is meeting student performance and school improvement standards.

c) The determination as to operational compliance is based upon the requirements imposed by the State Board of Education pursuant to Section 2-3-25 of the School Code (Ill. Rev. Stat. 1993, ch. 122, par. 2-3-25) (95 ILCS 5/2-3-25) and this Part.

d) The determination as to meeting student performance and school improvement standards is based upon evaluation of the educational indicators, learning outcomes, and the standards applicable to the learning outcomes, expectations, and data collection and validation procedures identified in the School Improvement Plan as required by Sections 1-90 and 1-40 of this Part. The evaluation and scoring criteria for this determination are set forth in Appendices B and P to this Part.

e) The determination as to meeting state assessment standards is based upon the state assessment results exhibited by the students in that school. (See Section 1-50 of this Part.) The criteria for this determination are set forth in Appendix G to this Part.

f) The determinations regarding operational compliance, student performance and school improvement, and, if applicable, state assessment comprise the accreditation status for a school. For schools in which no students are required to participate in the state assessment, an accreditation status will be determined by the degree to which that school meets operational compliance requirements and student performance and school improvement standards.

(Source: Amended at 22 Ill. Reg. 22233, effective DEC 8 1998)

Section 1.30 Quality Assurance Reviews Development of School Improvement Plans

a) Internal Quality Assurance Review

School districts shall ensure that an internal quality assurance review is conducted annually at each school not subject to external review in that year pursuant to subsection (b) of this Section and, no later than September 30 of each year, shall notify the regional superintendent of schools in writing that internal review has occurred for the preceding school year. The regional superintendent shall notify the State Superintendent of any districts failing to comply with this requirement. This review shall be designed to:

- 1) ascertain the success of the school's programs in terms of student performance and progress with respect to the State Goals for Learning, the Illinois Learning Standards, and local learning objectives;
- 2) identify areas in which improvement is needed;

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- 3) plan for the implementation of the changes identified as appropriate; and
- 4) yield a written school improvement plan or revisions thereto.
- b) External Quality Assurance Review
- 1) External quality assurance review shall be conducted in accordance with the following schedule:
- A) Each school that has been placed on either the Academic Early Warning List or the Academic Watch List shall undergo external quality review every second year.
- B) Each school in which at least 50% but fewer than 67% of State assessment scores meet State standards shall undergo external quality review every third year.
- C) Among the schools that are not exempt pursuant to subsection (b)(1)(D) of this Section but in which at least 67% of State assessment scores meet State standards, 75 schools shall be chosen by lottery each year to undergo external quality review. Once a review of such a school has been completed, the school shall be placed back into the pool after four years.
- D) Schools that exceed State standards or are in the top 15 percent of those meeting State standards are exempt from external quality review under the circumstances set forth in Section 2-3.25k of the School Code [105 ILCS 5/2-3.25k].
- 2) The external quality assurance review shall be conducted by a team designated by the State Superintendent of Education.
- 3) The external review shall consist of all the following components, which shall be designed to gather information to be reviewed in the context of the school's school improvement plan:
- A) Classroom observation;
- B) A review of samples of students' work (e.g., written products, exhibits, portfolios);
- C) A review of assessment systems;
- D) A review of curriculum design and alignment with the school's mission and instructional strategies and the Illinois Learning Standards;
- E) Interviews with staff, students, and community members;
- F) A review of school records and descriptive data about administration and students' performance; and
- G) An exit conference with school staff, at which impressions and information gathered during the review are discussed.
- c) Report of External Review Team
- Within 45 days after the conclusion of each review visit, the review team shall submit a written report to the superintendent or chief executive officer of the school district, the principal of the school, and, where applicable, the president of the school's Local School Council. This report shall set forth the review team's assessment of the school's instructional strategies and learning processes, the students' learning and progress, and factors that contribute to how

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- the school functions. The report shall offer observations and questions for school staff to consider in order to promote improved student learning.
- d) Response to Report
- Within 60 days after receipt of the review team's report, the principal and school district superintendent shall respond to the State Board of Education, on a form supplied by the State Board, regarding the steps to be taken at the school in response to the team's recommendations.
- 1) Each school's response shall address each significant point raised in the review team's report. If a school disagrees with a conclusion of the review team, the school shall provide its own analysis of the situation or problem.
- 2) Each school shall describe any actions its staff and/or staff of the school district will take to promote improvement in the areas addressed by the review team and shall provide a budget for the implementation of those activities.
- 3) Receipt of a school's response in conformance with subsections (d)(1) and (d)(2) of this Section shall, contingent upon appropriation, entitle the school to grant funds for use in implementing one or more of the specific school improvement initiatives discussed in the school's response.
- 4) Recipients of the grant funds referred to in subsection (d)(3) of this Section shall submit expenditure reports on forms supplied by the State Board of Education.
- School districts shall ensure that each school makes available to all students instruction in the six fundamental learning areas (Language Arts, Mathematics, Biology, and Physical Sciences, Social Sciences, Fine Arts, and Physical Development and Health) as set forth in Section 27-1 of the School Code. Each school district shall ensure that a continuous school improvement process that includes all State Goals for Learning is implemented for each school in the district. School improvement activities for each year must be implemented based on the percentage of students who did not meet state or local standards for the school in the previous year. For each of its schools, the district shall describe the improvement process and report data about the school in a document known as the School Improvement Plan, as set forth herein:
- a) Each school district is accountable for ensuring that each student for which its schools are responsible is provided an instructional program and corresponding curriculum that comprehensively addresses all the State Goals for Learning. Each school district shall identify at least two grade levels among grades 1-8 and one grade among grades 9-12 as "benchmark grades" for each fundamental learning area, for which the requirements detailed in subsection (d) below will be met and documented in a School Improvement Plan. In addition:
- i) For schools which do not offer the grades selected as district benchmark grades, districts shall identify substitute grades so that the requirements detailed in subsection (d) below are met and documented in a School Improvement Plan for at least one

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- grade-in-every-school-
- 2) Where grade-levels are not used to demarcate educational progress in a school, students' performance shall be assessed with respect to all standards for each learning outcome at least once during the period of student attendance; if the attendance center serves students for six or fewer school years, and at least twice during the period of student attendance; if the attendance center serves students for seven or more school years.
- b) Districts may identify different benchmark grades for different learning outcomes within a fundamental learning area; provided that a rationale for doing so is included in the School Improvement Plan; where shall be prepared for each school a written School Improvement Plan conforming to the requirements of subsection (d) below by June 30, 1994. Districts shall ensure that each School Improvement Plan is reviewed and updated at least annually, subject to the following requirements:
- 1) School improvement plans may be revised at any time; provided that benchmark grades may only be changed as part of an annual Application for Accreditation and with the approval of the State Superintendent of Education. The rationale for the change must be included in the annual Application, and in the School Improvement Plan after approval; if the rationale presented includes evidence that the change is being made for school improvement purposes, the change will be approved.
- 2) Student achievement at least at the benchmark grades must be evaluated annually to determine whether students' performance is meeting the school's standards.
- 3) The programs of instruction at the school must be evaluated annually to determine whether students are being well served by them.
- 4) Expectations must be established annually based on student performance data.
- 5) The development of each School Improvement Plan shall include communication with the staff and community of the specified school, and each plan shall be approved by the district board of education. All revisions to an approved plan shall be communicated to the school staff and community, and shall be reported to the district board of education at least annually.
- 6) School improvement plans for the most recent five years are to be kept in the main office of the school and shall be available to all State Board personnel, district personnel, and community members.
- 7) The development of each School Improvement Plan shall include consideration of issues of articulation. Upon request, each school shall transmit copies of its School Improvement Plan to the principal or chief administrative officer of each other school to or from which its students are promoted to allow articulation of the instructional program.

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- d) Each School Improvement Plan shall include for the school specified in the plan the following elements, requirements for each of these elements are presented in Section 1.40:
- 1) An analysis of existing conditions, including demographic characteristics of the student population, accounting for all students and identifying student groups within the population (further, at least those who are receiving special education services or chapter services, are participating in a gifted or vocational education program, have limited English proficiency, or are of various gender, racial, social, economic or other groups which warrant description or emerge as a result of analysis of data), factors which may affect student learning, and the needs of students relating to learning outcomes as perceived by school staff.
- 2) A list of the school's learning outcomes, standards, and expectations. Until October 1, 1995, learning outcomes must be established pursuant to Section 1.40 of this Part.
- 3) A description of the assessment systems used to determine the extent to which students are achieving learning outcomes.
- 4) An analysis of the performance of students, including analyses specific to the groups identified pursuant to subsection (d)(1), above, based on the results of assessment conducted in accordance with this Subpart A.
- 5) A discussion of the extent to which students are being served, and the degree of improvement in student performance in meeting standards for learning outcomes over time, including specific reference to the groups identified pursuant to subsection (d)(1) above, and of the factors that may have contributed to success and failures.
- 6) Statements of new expectations and priorities for school improvement activities based on evaluation conclusions, with emphasis on students who did not meet standards.
- 7) A description of reporting procedures which inform the public at least annually about the extent to which standards for the school relative to learning outcomes for each State Goal for learning were met, specify new expectations for the school, and describe priorities for school improvement activities.

(Source: Amended at 22 Ill. Reg. 22233, effective 1/1/83)

Section 1.40 Student Performance and School Improvement Requirements (Repealed)

The degree to which each school meets student performance and school improvement standards shall be based upon information provided in compliance with the requirements of Section 1.30 of this Part, Appendices B and F to this Part, and the following additional requirements:

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- a) Requirements for an Analysis of Existing Conditions
 1) Maintenance of information on the student population of the school as to attendance, truancy, mobility, retention, and expulsion rates. Graduation rates and dropout rates are to be maintained for all high schools.
 2) Inquiry as to the needs of students related to learning outcomes and on community characteristics which may affect student learning as perceived by school staff and the school community with a rationale for selection.
 b) Requirements for Learning Outcomes, Standards, and Expectations
 1) Establishment of measurable learning outcomes for all students in at least the benchmark grades which define what students should know and be able to do in order to achieve the State Goals for learning which are consistent with the primary purpose of schooling as set forth in Section 27-1 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 27-1) (105 ILCS 5/27-1), and which are consistent with and in total are at least as comprehensive as the State Goals for Learning and are developed in communication with school staff and the school community. There must be a formal and consultative process for developing learning outcomes and a rationale for the process and for the resulting outcomes. There must be formal alignment of the curriculum with the learning outcomes. Until October 17, 1995, learning objectives may be substituted for learning outcomes as a transitional measure.
 2) Establishment of standards for all learning outcomes as defined in Section 1-10 of this Part. There must be a formal and consultative process for setting standards and a rationale for the process and for the resulting standards. Until October 17, 1995, standards for learning objectives developed pursuant to the requirements of 23-111-Adm. Code 210-1 (Learning Assessment and School Improvement Plans) may be substituted for standards for learning outcomes as a transitional measure.
 3) Establishment of expectations for performance related to the achievement of all learning outcomes relevant to that school. There must be a formal and consultative process for establishing expectations and a rationale for the process and for the resulting expectations. Until October 17, 1995, expectations for performance related to the achievement of learning objectives may be substituted for expectations for performance related to the achievement of learning outcomes as a transitional measure.
 4) Learning outcomes addressing the Language Arts, Mathematics, the Biological and Physical Sciences, the Social Sciences, and the Fine Arts shall have been developed before the 1993-94 school year. Pursuant to the applicable requirements of 23-111-Adm. Code 210-1 (Learning Assessment and School Improvement Plans), learning outcomes addressing Physical Development and Health shall be completed by October 17, 1994.

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- e) Requirements for Assessment Systems
 1) Development and implementation of an assessment system which enables determinations as to the extent to which all students enrolled in the school at least in the benchmark grades are meeting standards applicable to the relevant learning outcomes. The assessment system must include alternative assessment tests or procedures for students with disabilities or limited English proficiency.
 2) A full description of each assessment test or procedure including whether it is commercially published, developed by district personnel, or obtained elsewhere (such as from another district), whether it is a forced choice/short answer or complex generated response assessment, the learning outcomes and grades or courses of instruction for which it will be used, and the procedure and rationale for its selection.
 3) Documentation of validity and reliability claims for each assessment test or procedure, citing the source(s) of evidence used.
 4) Documentation of claims of nondiscrimination for each assessment test or procedure with respect to race, gender, and disability, citing the source(s) of evidence used.
 5) Identification of the grade(s) at which assessment takes place. Student performance relative to each learning outcome shall be assessed every school year at least at the benchmark grades. Results of all assessment conducted in accordance with this Subpart shall be maintained for the five most recent school years.
 6) Copies of current assessment instruments and full descriptions of current assessment procedures (other than for the state assessment) shall be maintained for inspection by the State Board of Education staff upon request.
 8) All students enrolled in at least the benchmark grades shall be administered the assessment instruments and procedures as defined in the standards for those grades, except that a student with limited English proficiency or a disability shall be assessed with an alternative assessment test or procedure if in the judgment of the district the uniform assessment test or procedure cannot be administered in a valid, reliable, and nondiscriminatory manner for that student after reasonable accommodation is made for the student or if an alternative assessment is specified in the student's Individualized Education Program pursuant to 23-111-Adm. Code 210-56(a)(5). Records of the progress of all students on learning outcomes shall be maintained.
 9) All assessment procedures shall be based on good testing practice as described in "standards for Educational and Psychological Testing" (1985) published by the American Psychological Association. (No later amendments to or editions

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- of these standards are incorporated by this rule.)
- 10) A variety of assessment instruments and procedures that address the scope, content, and specificity of each learning outcome shall be used. Data or results from the Illinois Goal Assessment Program may be used to make student performance and school improvement decisions but the Illinois Goal Assessment Program may not be utilized to meet the assessment requirements of this Section.
- 11) All assessment practices shall be based on fair testing practices as described in "Code of Fair Testing Practices in Education" (1980) published by the Joint Committee on Testing Practices of the American Educational Research Association, American Psychological Association and National Council on Measurement in Education. (No later amendments to or editions of this code are incorporated by this rule.)
- 12) Each district shall ensure the availability of reasonable accommodations for participation in the assessment test or procedure or alternative test or procedure by students with disabilities or limited English proficiency.
- 13) Districts shall protect the security and confidentiality of all questions and other materials which are considered part of a secured or confidential assessment set or procedure, including but not necessarily limited to test items, reading passages, charts, graphs and tables.
- d) Requirements for the Analysis of Student Performance Data
- 1) There must be a systematic collection and analysis of student performance data as they become available, with emphasis on current and prior years' assessment data by standard for each learning outcome, with an indication of the percent of students assessed, including those in identified groups in the school's student population who met the standards.
- 2) Current and prior years' data collected on student performance must be used in considering ways to improve student achievement and the programs of instruction at the school relative to the standards established for meeting the learning outcomes.
- e) Requirements for the Evaluation of Student Performance and School Programs
- 1) Student achievement and the programs of instruction at the school must be evaluated at least annually to help determine whether all students are being served.
- 2) Inquiry is to be conducted on possible common characteristics of students at the school who consistently are not meeting standards for learning outcomes for use in identifying groups within the school's student population whose performance will be monitored for the coming year.
- 3) Program evaluation must be conducted to identify probable causes for the failure of students, including those in identified groups within the student population, to meet standards for learning

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- outcomes if applicable.
- f) Requirements for the Review of Expectations and Program Improvements
- 1) Expectations for students at the school must be reviewed annually based on current and prior years' student performance data.
- 2) School improvement activities must be implemented based on:
- A) the percentage of students who did not meet standards for the learning outcomes established for the school; and
- B) other educational indicators.
- g) Requirements for Reporting to the Public
- 1) Each school district shall develop and implement a reporting system to inform the public at least annually of the extent to which standards for achieving learning outcomes are being met and if not, what appropriate actions are being taken. The reporting system shall provide for dissemination of this information for each school through all of the following:
- A) presentations at regular school board meetings;
- B) distribution to newspapers of general circulation and other news media serving the area in which the school district is located; and
- C) distribution to parents of the district's pupils.
- 2) Interpretation of student performance data must be provided as appropriate for each of the audiences identified in subsection (f) above:
- h) Determination of the Student Performance and School Improvement component of the Accreditation Status for a school
- 1) Pursuant to the annual School Accreditation process, each school will receive from the State Board of Education a determination reflecting the degree to which it meets the requirements of this Section for student performance and school improvement based on the evaluation criteria set forth in Appendix B and the scoring criteria set forth in Appendix P to this Part.
- A) the determination will be either:
- i) Exceeds Student Performance and School Improvement Standards;
- ii) Meets Student Performance and School Improvement Standards;
- iii) Does Not Fully Meet Student Performance and School Improvement Standards; or
- iv) Does Not Meet Student Performance and School Improvement Standards.
- B) No school shall be determined either to exceed or not to meet student performance and school improvement standards until it has been visited by State Board staff to verify the relevant information submitted.
- 2) Within 30 days of the issuance of the student performance and school improvement determination, the superintendent of the district may request a conference at which representatives of the district will have an opportunity to discuss the determination

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- with--representatives--of--the--State--Board--of--Education--if--within
the--30--day--period--the--superintendent--does--not--request--a
conference--the--determination--will--become--final--
- 3† If--a--conference--is--requested--for--a--school--which--received--a
determination--of--Does--Not--Meet--Student--Performance--and--School
Improvement--Standards--and--the--areas--of--concern--are--not--resolved,
the--school--board--may--submit--an--appeal--of--the--determination--by
adopted--board--resolution--The--appeal--must--identify--the--specific
findings--with--which--the--district--disagrees--Within--30--days--after
receipt--of--an--appeal--the--State--Superintendent--will--appoint--a
three--member--appeal--panel--to--hear--the--appeal--
- 4† The--district--will--be--given--an--opportunity--to--present--any
information--relevant--to--the--determination--issues--appealed--
Following--the--district's--presentation--State--Board--Staff--may
present--information--relevant--to--the--district's--presentation--The
appeal--panel--will--submit--its--recommendations--to--the--State
Superintendent--who--will--issue--a--final--written--determination--in
each--case--
- 5† School--districts--may--submit--amendments--to--the--annual--Application
for--Accreditation--to--substantive--changes--in--the--data--or--the--data
collection--and--validation--procedures--for--reevaluation--of--their
student--performance--and--school--improvement--determination--
Amendments--shall--be--submitted--on--forms--specified--by--the--State
Board--

(Source: Repealed at 22 Ill. Reg. 22233, effective
DEC 8 1998)

Section 1.50 State Assessment

The State Board of Education shall develop and administer assessment instruments and other procedures in accordance with Section 2-3.64 of the School Code [105 ILCS 5/2-3.64] for all six fundamental learning areas. All students shall participate in State assessment, the Illinois-Goat-Assessment Program-(IGAP)-in-language-arts-mathematics-science-and-social-sciences with the exception of students who do not participate pursuant to Section 2-3.64 of the School Code (111-Rev--Stat--1993--ch--122--par--2-3-64--fi05-IGES 5/2-3-64). In addition, school districts shall collaborate with samples--of students--identified--by the State Board in the design and implementation of shall-participate-in-IGAP special studies in--the--fine--arts--and--physical development--and--health.

a) Development and Participation

- 1) Assessment instruments and procedures shall meet the generally accepted standards of validity and reliability as stated in "Standards for Educational and Psychological Testing" (1985) published by the American Psychological Association, 1200 7th St., N.W., Washington, D.C. 20036. (No later amendments to or editions of these standards are incorporated by this rule.)

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- 2) Schools shall participate in special studies, tryouts, pilot testing, field testing, and/or norm testing of these assessment procedures and instruments when selected to do so by the State Board.
- 3) A school shall be selected for participation in these special studies, tryouts, pilot testing, and/or field testing no more than once every four five years.
- 4) All students who are required to participate under Section 2-3.64 of the School Code shall be administered the state assessment. It is the responsibility of each district to ensure that all students required to participate in the State state assessment do so.
- 5) District personnel must be able to document that the performance of students who are exempt from the State state assessment is being evaluated and that information about the procedures, instruments, results, and analysis is available for review.
- 6) Each district shall ensure the availability of reasonable accommodations for participation in the State state assessment by students with disabilities and limited English proficiency.
- b) Assessment Procedures
- 1) All assessment procedures and practices shall be based on fair testing practice, as described in "Code of Fair Testing Practices in Education" (1988) published by the Joint Committee on Testing Practices of the American Educational Research Association, American Psychological Association and National Council on Measurement in Education, 750 First Avenue, N.E., Washington, D.C. 20002-4242. (No later amendments to or editions of this code are incorporated by this rule.)
- 2) Districts shall protect the security and confidentiality of all assessment questions and other materials which are considered part of the approved State IGAP assessment, including but not necessarily limited to test items, reading passages, charts, graphs, and tables.
- c) Reports of State Assessment Results
- 1† The State Board shall send each school and district a report for the school containing the following information from the results of each administration of the State IGAP assessment in--language--arts-mathematics-science-and-social-sciences:
1)† results for each student all--students to whom the State assessment IGAP was administered;
2)† summary data for the school and/or district, the State state, and the nation, including but not limited to the appropriate raw and/or scale score average(s), comparison score bands, and distributions of students whose State assessment IGAP scores exceed, meet, and fail to meet the State state standards in each fundamental learning area.
- 2† The--IGAP--assessment--results--(including--IGAP--scores--and performance--standards)--are--for--school--improvement--purposes.

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d) Individual or aggregate scores shall not become part of a student's permanent record or be used for grading, promotion, retention, graduation, or personnel evaluation.

Each school district shall verify the accuracy of the score information received and shall notify the State Board of Education of any discrepancies identified. If no conflicting information is received from a district within 45 days after receipt of data from the Board, those data shall be considered correct.

1) Within 45 days after receipt of data from the Board, the superintendent of the district may request a conference at which representatives of the district will have an opportunity to discuss the accuracy of the district's State assessment data with representatives of the State Board of Education.

2) If a conference is held pursuant to this subsection (d) and the areas of concern are not resolved, the school board may submit an appeal by adopted board resolution. The appeal must identify the specific alleged inaccuracies upon which it is based.

3) The district will be given an opportunity to present information relevant to the issues appealed. The State Superintendent will consider the appeal and issue a final written determination in each case.

e) The State Board of Education shall annually notify each school that includes grades in for which the State state assessment is administered whether will receive from the State Board of Education an annual determination reflecting the degree to which the performance of the students at the school meets, exceeds, or fails to meet State state assessment standards. This determination will be based upon all State state assessment scores achieved by students in the school. Each such score will be classified as exceeding, meeting, or not meeting State state assessment standards, as reflected in score ranges that the State Board shall disseminate at the time of testing Appendix 6 to this Part. All of the school's test score classifications will form one distribution and, based on that distribution, the school will be notified that it state assessment determination will be either:

- 1) exceeds Exceeds State standards Assessment Standards (at least 90% of all test scores meet State state standards, and at least 50% of all test scores exceed State state standards); or
- 2) meets Meets State standards Assessment Standards (at least 50% of all test scores meet State state standards); or
- 3) does not meet Does Not Meet State standards Assessment Standards (more than 50% of all test scores do not meet State state standards).

e) Within 30 days after the issuance of a school's state assessment determination, the superintendent of the district may request a conference at which representatives of the district will have an opportunity to discuss the determination with representatives of the State Board of Education. If within the 30-day period the superintendent does not request a conference, the determination will

become final:

- 1) If a conference is requested by a superintendent on behalf of a school which received a determination of Does Not Meet State Assessment Standards and the areas of concern are not resolved, the school board may submit an appeal of that designation by adopted board resolution. The appeal must identify the specific state assessment issues raised. Within 30 days after receipt of an appeal, the State Superintendent shall appoint a three-member appeal panel to hear the appeal.
- 2) The district will be given an opportunity to present any information relevant to the determination issues appealed. Following the district's presentation, State Board staff may present information relevant to the district's presentation. The appeal panel will submit its recommendations to the State Superintendent, who will issue a final written determination in each case.

(Source: Amended at 22 Ill. Reg. 22233, effective 01/01/1998)

Section 1.60 Operational Compliance (Repealed)

Each school will receive from the State Board of Education a determination reflecting the degree to which it adheres to operational compliance requirements:

- a) Operational compliance determinations are Full Compliance, Pending Compliance, Probationary Compliance, and Nonrecognition. A school is recognized if it is determined to be in Full Compliance. Pending Compliance or Probationary Compliance, therefore, a school may be recognized, but its Accreditation Status is not complete until the two components of its determination (student performance and school improvement and the state assessment) have also been determined.
- 1) The Full Compliance determination shall be granted to each school which meets the minimal operational requirements imposed by the State Board pursuant to Section 2-3.25 of the School Code (Ill. Rev. Stat., 1991, ch. 122, par. 2-3.25) (105-IHCS-5/2-3.25) and this Part.
- 2) The Pending Compliance determination shall be given to each school which has identified deficiencies that are in the process of being corrected during the school year.
- 3) The Probationary Compliance determination shall be given to each school which has not met these minimal requirements. The school district must submit a plan for the correction of the cited deficiencies.
- 4) The Nonrecognition determination shall be given to any school which fails to submit an annual Application for Accreditation, fails to meet legal requirements, or fails to give evidence of meeting minimal operational requirements.

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- b) Within 30 days after the issuance of an operational compliance determination, the superintendent of the district may request a conference at which representatives of the district will have an opportunity to discuss the determination with representatives of the State Board of Education. If within the 30 day period the superintendent does not request a conference, the determination shall become final.
- i) If a conference is requested by a superintendent on behalf of a school which received a determination of Nonrecognition and the areas of concern are not resolved, the school board may submit an appeal of the determination by adopted board resolution. The appeal must identify the specific finding with which the district disagrees. Within 30 days after receipt of an appeal, the State Superintendent shall appoint a three member appeal panel to hear the appeal.
- 2) The district will be given an opportunity to present any information relevant to the recognition determination and issues appealed. Following the district's presentation, the State Board staff may present information relevant to the district's presentation. The appeal panel will submit its recommendations to the State Superintendent, who will make a final recommendation to the State Board.
- e) For any school assigned Probationary Compliance or Nonrecognition status, the district may at any time request reevaluation by the State Board of Education to verify corrections made by the district as to the areas of noncompliance previously cited.

(Source: Repealed at 22 Ill. Reg. 22233, effective DEC 7 1998)

Section 1.70 Effective Dates of Accreditation (Repealed)

- a) The Operational Compliance determination of each school shall be effective from July 1 to the next succeeding June 30.
- b) The Student Performance and School Improvement determination shall be effective upon completion of the Accreditation Process and shall remain in effect until the next Accreditation Process is completed and a new determination is made by the State Board.
- e) The state assessment determination for a school shall be effective upon completion of the state assessment process and shall remain in effect until completion of the state assessment process for the next school year.

(Source: Repealed at 22 Ill. Reg. 22233, effective DEC 8 1998)

Section 1.80 Academic Early Warning and Watch Lists List

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This Section identifies the two groups of schools that are subject to placement on the Academic Early Warning List (see subsections (a) and (b) of this Section) and describes the circumstances under which they will be removed from that list, kept on that list, or placed on the Academic Watch List.

- a) Schools in which include grades at which the State state assessment is administered that are determined receive the determination of Do Not Meet Student Performance and School Improvement Standards and Do Not Meet State Assessment Standards as set forth in this Subpart not to have met State standards for two consecutive years shall be placed on an Academic Early Warning Watch List and may subsequently be placed on an Academic Watch List pursuant to Sections 2-3.25d through 2-3.25f of the School Code. Schools which do not include grades at which the state assessment is administered that receive the determination of Do Not Meet Student Performance and School Improvement Standards as set forth in this Subpart shall be placed on an Academic Watch List pursuant to Sections 2-3.25d through 2-3.25f of the School Code.

1) A school placed on the Academic Early Warning List pursuant to subsection (a) of this Section shall be removed from the list when the school is determined to meet State standards.

- 2) A school placed on the Academic Early Warning List pursuant to subsection (a) of this Section shall remain on the list but avoid placement on the Academic Watch List as long as it does not meet State standards but makes adequate progress. "Adequate progress" means a rate of increase in the proportion of scores meeting State standards that would be sufficient in order for the school to meet State standards after five year.

- 3) A school which has been on the Academic Early Warning List for two consecutive years ("Years 1 and 2") and whose cumulative progress for that time does not qualify as adequate shall be placed on the Academic Watch List and shall be subject to the requirements of Sections 2-3.25d through 2-3.25f of the School Code [105 ILCS 5/2-3.25d through 2-3.25f], as applicable. Similarly, a school which has been on the Academic Early Warning List for four consecutive years and whose cumulative progress for Years 3 and 4 does not qualify as adequate shall be placed on the Academic Watch List and shall be subject to the requirements of Sections 2-3.25d through 2-3.25f of the School Code, as applicable. That is, a school shall be required to eliminate at least 40% of its "performance gap" (the degree to which its scores fail to meet State standards) in Years 1 and 2 and at least 40% in Years 3 and 4.

- b) Schools that do meet State standards, other than schools which are exempt from external quality review pursuant to Section 2-3.25k of the School Code, shall also be subject to placement on the Academic Early Warning List, if the proportion of their scores that do not meet State standards has increased by at least 20 percentage points during the immediately preceding three-year period, as evidenced by four consecutive years' State assessment scores.

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- 1) A school placed on the Academic Early Warning List pursuant to subsection (b) of this Section shall be removed from the list when the proportion of its State assessment scores that do not meet State standards is reduced to a level at or below the average for the four test cycles preceding its placement on the list. (For example, a school in which, over four test cycles, 3%, 4%, 15%, and 26% of scores did not meet standards would be removed from the Academic Early Warning List after the first subsequent administration of the State assessment in which 12% or fewer of its scores did not meet State standards.)
- 2) A school placed on the Academic Early Warning List pursuant to subsection (b) of this Section shall remain on the list until its State assessment scores reach the level identified pursuant to the calculation set forth in subsection (b)(1) of this Section.
- 3) A school placed on the Academic Early Warning List pursuant to subsection (b) of this Section shall be placed on the Academic Watch List if its State assessment scores decline so that the school fails to meet State standards for two consecutive years.
- 4) A school which has been placed on the Academic Watch List shall be subject to the provisions of Sections 2-3.25d through 2-3.25f of the School Code.

(Source: Amended at 22 Ill. Reg. 22233, effective DEC 2 1998)

Section 1.85 Revisions to School Improvement Plans

A district with one or more schools included on the Academic Early Warning List shall prepare a revised school improvement plan and submit it to the State Superintendent of Education for approval.

- a) Each school improvement plan shall conform to the requirements of Section 2-3.25d of the School Code and shall be submitted by the end of the month of January next following notification of the school's placement on the list.
- b) The State Superintendent shall approve each school improvement plan that conforms to the requirements of Section 1.10(b)(4) of this Part.
- c) Failure by a school district to maintain approval of its school improvement plan shall affect the district's recognition status (see Section 1.20 of this Part).

(Source: Added at 22 Ill. Reg. 22233, effective DEC 2 1998)

Section 1.90 System of Rewards and Recognition

A school which includes grades at which the State state assessment is administered that exceeds State standards is--assigned--and--maintains--a determination-of-Exceeds--local--Student--Performance--and--School--Improvement

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Standards--and--is--assigned--and--maintains--a--determination-of-Exceeds--State Assessment--Standards will be eligible to receive rewards and special recognition during the period for which such status is determinations--are maintained. A school--which--does--not--include--grades--at--which--the--state assessment--is--administered--that--is--assigned--and--maintains--a--determination-of-Exceeds--Student--Performance--and--School--Improvement--Standards--will--be--eligible to--receive--rewards--and--special--recognition--during--the--period--for--which--such determination--is--maintained. Rewards will be as determined by the State Board of Education and may be:

- a) an extension-of-the-schedule-for-Quality-Review-visits-to-no-less-than once-in-every-seven-school-years;
 - b) statewide recognition from the State Board; and/or
 - b)c) participation in programs and activities of the State Board.
- (Source: Amended at 22 Ill. Reg. 22233, effective DEC 2 1998)

Section 1.100 Waiver and Modification of State Board Rules and School Code Mandates

- a) As authorized in Section 2-3.25g of the School Code 105--105--5/2-3-25g--see--P-A--89-37--effective--February--27--1995, a school district or independent authority established pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f] may petition for:
 - 1) State Board approval of waivers or modifications of State Board of Education rules and of modifications of School Code mandates to allow a district to meet the intent of the rule or mandate in a more effective, efficient or economical manner or when necessary to stimulate innovation or to improve student performance; and/or
 - 2) General Assembly approval of waivers of School Code mandates as necessary to stimulate innovation or improve student performance.

- b) "The School Code" comprises only those statutes compiled at 105 ILCS 5. Waivers from State Board rules or School Code mandates pertaining to special education, teacher certification, or teacher tenure and seniority are not permitted (Section 2-3.25g of the School Code). Each application for a waiver or modification shall provide the following, on a form supplied by the State Board of Education.
 - 1) Identification of the rule(s) or mandate(s) involved, either by quoting the exact language of or by providing a citation to the rule(s) or mandate(s) at issue. Districts unable to determine the exact language or citation may obtain a copy of, or citation to, the rule(s) or mandate(s) involved by contacting the State Board of Education Legal Department by mail at 100 North First Street, Springfield, Illinois, 62777-0001, by telephone at 217-782-5270, or by Internet isbelaw@spr5.isbe.state.il.us.
 - 2) Identification as to the specific waiver(s) and/or

- c) Each application for a waiver or modification shall provide the following, on a form supplied by the State Board of Education.
 - 1) Identification of the rule(s) or mandate(s) involved, either by quoting the exact language of or by providing a citation to the rule(s) or mandate(s) at issue. Districts unable to determine the exact language or citation may obtain a copy of, or citation to, the rule(s) or mandate(s) involved by contacting the State Board of Education Legal Department by mail at 100 North First Street, Springfield, Illinois, 62777-0001, by telephone at 217-782-5270, or by Internet isbelaw@spr5.isbe.state.il.us.
 - 2) Identification as to the specific waiver(s) and/or

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modification(s) sought. For modifications, the specific modified wording of the rule(s) or mandate(s) must be stated.

- 3) Identification as to whether the request is for an initial waiver or modification or for the renewal of a previously approved request.
- 4) For requests based upon meeting the intent of the rule or mandate in a more effective, efficient, or economical manner, a narrative description which sets forth:
 - A) the intent of the rule or mandate to be achieved,
 - B) the manner in which the district will meet that intent,
 - C) how the manner proposed by the district will be more effective, efficient or economical, and
 - D) if the district proposes a more economical manner, a fiscal analysis showing current expenditures related to the request and the projected savings that would result from approval of the request.
- 5) If the request is necessary for stimulating innovation or improving student performance, the request must include the specific plan for improved student performance and school improvement upon which the request is based. This plan must include a description of how the district will determine success in the stimulation of innovation or the improvement of student performance.
- 6) The time period for which the waiver or modification is sought. Pursuant to Section 2-3.25g of the School Code, such time period may not exceed five years.
- 7) An assurance stating the date(s) of the public hearing(s) on the application and, if applicable, specific plan for improved student performance and school improvement, held as prescribed in Section 2-3.25g of the School Code, and stating the date the application (and, if applicable, the plan) was approved by the local board of education.
- d) Applications must be sent by certified mail, return receipt requested, and addressed as specified on the application form.
- e) Applications must be postmarked not later than 15 calendar days following local board of education approval. Applications addressed other than as specified on the application form shall not be processed.
- f) Applications for the waiver or modification of State Board rules or for the modification of School Code mandates shall be deemed approved and effective 46 calendar days after the date of receipt by the State Board of Education unless disapproved in writing. Receipt by the State Board shall be determined by the date of receipt shown on the return receipt form, except in the case of an incomplete application.
 - 1) A district submitting an incomplete application shall be contacted by staff of the State Board regarding the need for additional information.
- 2) The 45-day response time referred to in this subsection (f) shall

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not commence until the district submits the additional material requested by the State Board, which shall be sent by certified mail, return receipt requested.

- 3) Incomplete requests will not be considered.
- g) The State Board may disapprove a request for the waiver or modification of State Board rules or for the modification of School Code mandates if the request:
 - 1) is not based upon sound educational practices,
 - 2) endangers the health or safety of students or staff,
 - 3) compromises equal opportunities for learning, or
 - 4) does not address the intent of the rule or mandate in a more effective, efficient or economical manner or does not have improved student performance as a primary goal.
- h) Disapproval of an application for a waiver or modification of a State Board rule or for a modification of a School Code mandate shall be sent by certified mail to the applicant no later than 45 calendar days after receipt of the application by the State Board. An applicant wishing to appeal the denial of a request may do so within 30 calendar days after receipt of the denial letter by sending a written appeal by certified mail to the Illinois State Board of Education, Quality Review and School Accreditation, 100 North First Street, Springfield, Illinois 62777-0001. The written appeal shall include the date the local school board approved the original request, the citation of the rule or School Code section involved, and a brief description of the issue. Appeals of denials shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code.
- i) Applications for General Assembly approval of waivers of School Code mandates will be reviewed for completeness. Each incomplete application shall be returned to the applicant with an explanation as to the deficiencies. Complete applications shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code. The State Board of Education shall periodically notify school districts of the date by which applications must be postmarked in order to be processed for inclusion in the next report to the General Assembly.
- j) The State Board of Education shall notify Regional Superintendents of Schools of the disposition of requests for waivers or modifications submitted by school districts located within their regions.

(Source: Amended at 22 Ill. Reg. 22233, effective 1/1/88)

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards

- a) Class schedules shall be maintained in the administrative office in

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each attendance center of a school district.

b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit; a plan which can be disseminated to other schools within the State.

c) Every school district shall:

1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in our schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.

2) Include in its instructional program concepts which are designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.

d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.

e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.

f) Sections 10-19, 18-8.05, and 18-12 of the School Code [105 ILCS 5/10-19, 18-8.05, and 18-12] establish certain requirements regarding the school year and the school day. School districts shall observe these requirements when preparing their calendars and when calculating average daily attendance for the purpose of claiming general State financial aid.

1) Section 18-8.05(F)(2)(c) of the School Code provides that, with the approval of the State Superintendent of Education, four or more clock-hours of instruction may be counted as a day of attendance when the regional superintendent certifies that the district has been forced to use multiple sessions. The State Superintendent's approval will be granted when the district demonstrates that its facilities are inadequate to house a program offering five clock-hours daily to all students.

A) The State Superintendent's approval shall be requested before the beginning of the school year.

B) The school district's request shall include a copy of the minutes of the meeting at which the board of education approved the plan for multiple sessions; a plan for remedying the situation leading to the request; and a daily schedule showing that each student will be in class for at least four clock-hours.

C) Requests for extensions of the State Superintendent's approval shall be made annually prior to the opening of school.

2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination under rules of the State Board regarding the necessity for a second year's attendance at kindergarten for

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certain students so they may be included in a district's calculation of average daily attendance. Districts may count such students when they determine through an assessment of their individual educational development that a second year of kindergarten is warranted.

f) Sections 10-19 and 18-8 of the School Code [105 ILCS 5/10-19 and 18-8] specify certain measures relative to the school day. Any deviation from Section 18-8 of the School Code will be examined on an individual basis by the State Superintendent of Education. Section 18-8 requires that every school system shall operate its schools so as to provide a minimum of five clock-hours of school work each day with the following exceptions:

1) Four clock-hours may be counted as a day of attendance for full-day kindergarten and first-grade pupils.

2) Two or more clock-hours may be counted as a half-day of attendance by pupils in half-day kindergarten programs. However, such kindergarten may count two and one-half days of attendance in any five consecutive school days. Where a pupil attends such a kindergarten for two half-days on any one school day, such pupil shall have the following day as a day absent from school. Unless the school system obtains permission in writing from the State Superintendent of Education. (Section 18-8 of the School Code.) Approval will be granted pursuant to the provisions of subsection (f)(5)(a) of this Section.

3) One clock-hour may count as one-half day of attendance for handicapped children below the age of six years who cannot attend a two-hour session because of handicap or immaturity.

4) Pupils may be counted for a second year of kindergarten attendance when such pupils entered kindergarten in their fifth year and when the school district has determined through an assessment of their educational development that a second year of kindergarten is warranted.

5) Opening and closing of school term approval of days of attendance of four or more clock-hours

A) Days of attendance may be less than five clock-hours on the opening and closing day of the school term and upon the second or third day of the school term if the first and second days are utilized as an institute or teachers' workshop. Four clock-hours may be counted as a day of attendance upon certification by the Regional Superintendent and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions. (Approval will be granted on the basis of the present facilities being inadequate to house a normal program.)

B) Approval to count a session of four to five clock-hours as a day in session shall be granted by the State Superintendent of Education upon certification of the district's plans by

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the Regional Superintendent. The request shall be made prior to the opening of the school year to be used, shall include a copy of the official board of education minutes indicating board approval of the plan, shall include provision for remedying the situation that caused the request, and shall include a daily schedule showing that each student will, in fact, be in class at least four clock hours.

Requests for extensions shall be made by the district annually prior to the opening of school.

- 6) A session of three or more clock hours up to a maximum of five half days per school year may be counted as a full day of attendance when the remainder of the day or when at least two hours in the evening of that day are utilized for an inservice training program for teachers. Two full days may be used for parent teacher conferences. Any full day used reduces the number of allowable half days by two in either instance, the programs shall have prior approval on forms supplied by the State Board of Education. Such days can only be scheduled as provided in Section 10-04.19 of the School Code (105-5/10-04.19g).

3.17) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for General State Aid state aid, when the following conditions are met during a work stoppage.

- A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
- B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
- C) All teachers must hold certificates which are registered with the Regional Superintendent for their county of employment. Other than substitute teachers, certification appropriate to the grade level and subject area(s) of instruction is must be held by all teachers.
- 8) Any deviation from the five clock hour requirement as it pertains to student attendance will be evaluated on an individual basis by the State Superintendent of Education.
- 4.19) Attendance for General State Aid Purposes
- A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted

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for a half day of attendance.

- B) For purposes of determining average daily attendance on the district's General State Aid claim, students in grades 2 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance.

- g) Length of School Term. Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 10-8.05 of the School Code. Any days allowed by law for teachers to substitute but not used as such or used as parental institutes as provided in Section 10-22.10d of the School Code (105-5/10-22.10d) shall increase the minimum term by the school days not so used. Except as provided in Section 10-19.1 of the School Code (105-5/10-19.1) the board may not extend the school term beyond such a closing date unless that extension of term is necessary to provide the minimum number of computable days in case of such necessary extension. School employees shall be paid for such additional time on the basis of their regular contracts. A school board may specify a closing date earlier than that set on the annual calendar when the schools of the district have provided the minimum number of computable days under this Section.

- 2) Nothing in this Section prevents the board from employing superintendents of schools, principals, and other non-teaching personnel for a period of 12 months, or in the case of superintendents for a period in accordance with Section 10-23.0 of the School Code (105-5/10-23.0) or prevents the board from employing other personnel before or after the regular school term with payment of salary proportionate to that received for comparable work during the school term. (Section 10-19 of the School Code).

- h) Local boards of education shall establish and maintain kindergartens for the instruction of children (Sections 10-20.19a and 10-22.18 of the School Code [105 ICS 5/10-20.19a and 10-22.18]).

- 1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.
- 2) If a school district which establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program,

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such students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.

- A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.
- B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.
- C) All support services (e.g., health counseling and transportation) provided by the district must be equally available to full-day and half-day students.

i) Career Education

- 1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.
- 2) Every district shall initiate a Career Awareness and Exploration Program which should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.

j) Co-Curricular Activities

- 1) Programs for extra classroom activities shall provide opportunities for all students.
- 2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.

k) Consumer Education and Protection

- 1) A program in consumer education may include the following topics: the individual consumer in the marketplace, money management, consumer credit, human services--housing, food, transportation, clothing, health services, drugs and cosmetics, recreation, furnishings and appliances, insurance, savings and investments, taxes, and the consumer in our economy.
- 2) The superintendent of each unit or high school district shall maintain evidence which shows that each student has received adequate instruction in consumer education or has demonstrated proficiency by passing the Consumer Education Proficiency Test as required by law (Section 27-12.1 of the School Code [105 ILCS 5/27-12.1]) prior to the completion of the 12th grade. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.
- 3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 and shall include installment purchasing, budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business,

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trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.

- 4) Each district may use as a guideline the information set forth in "Consumer Education in Illinois Schools" issued by the State Board of Education.
- 5) Teachers instructing in consumer education courses shall have proper certification for the position to which they are assigned with at least three semester hours in consumer education courses.
- 1) Conservation of Natural Resources
 - 1) *In every public school district there shall be instruction, study and discussion of current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wild life, and humane care of domestic animals* (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).
 - 2) It is recommended that the study of conservation also include energy demands, population growth and distribution, food production, transportation systems, solid waste disposal, and noise abatement.
- m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, State state, national and international concern.
- n) Health Education

Each school system shall be in compliance with rules for Comprehensive Health Education (23 Ill. Adm. Code 253) issued pursuant to the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].

 - 1) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.
 - 2) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.
 - 3) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.
- o) Media Programs

Each attendance center shall provide a program of media services to meet the curricular and instructional needs of the school. The "Recommended Standards for Educational Library Media Programs" (Revised 1986) is suggested as a guide for program development.
- p) Physical Education
 - 1) Appropriate activity related to physical education shall be required of all students each day (Section 27-6 of the School Code [105 ILCS 5/27-6]). The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be

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- incorporated.
- 2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.
 - 3) If a district determines that it is difficult to implement a program of physical education which involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.
 - 4) *The Physical Education and training course offered in grades 5 through 9--and 10 may include Health Education* (Section 27-5 of the School Code [105 ILCS 5/27-5]).
 - 5) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act [225 ILCS 60], prevents their participation in the courses provided for normal children* (Section 27-6 of the School Code).
 - 6) Pursuant to Section 27-6(b) of the School Code, each school board which chooses to excuse pupils enrolled in grades 9 through 12 from engaging in physical education courses shall establish a policy to excuse pupils on an individual basis and shall have such policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances.
- q) Pupil Personnel Services
- To assure provision of Pupil Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:
- 1) Guidance and Counseling Needs;
 - 2) Psychological Needs;
 - 3) Social Work Needs;
 - 4) Health Needs.
- r) Social Sciences Studies and History
- Each school system shall provide history and social sciences studies courses which do the following:
- 1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in our world (Section 27-21 of the School Code [105 ILCS 5/27-21]);
 - 2) include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State state (Section 27-21 of the School Code);
 - 3) include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system (Section 27-21 of the

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- School Code);
- 4) include the study of that period in world history known as the Holocaust (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);
 - 5) include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]); and
 - 6) include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment (Section 27-20.5 of the School Code [105 ILCS 5/27-20.5]).
- s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous vocational arts and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115/1]. Such eye protective devices shall meet the nationally accepted standards set forth in "Practice for Occupational and Educational Eye and Face Protection," ANSI Z87.1-1989, issued by the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018. No later additions or amendments to these standards are incorporated by this rule.
- t) In every public school there shall be instruction, study and discussion of effective methods by which pupils may recognize the danger of and avoid abduction. Such required instruction, study and discussion may be included in the courses of study regularly taught in the schools. In grades kindergarten through 8, such required instruction must be given each year to all pupils in those grades (Section 27-13.2 of the School Code [105 ILCS 5/27-13.2]).
- u) School districts shall provide instruction in relation to the prevention of abuse of anabolic steroids in grades 7 through 12 and shall include such instruction in science, health, drug abuse, physical education or other appropriate courses of study. Such instruction shall emphasize that the use of anabolic steroids presents a serious health hazard to persons who use steroids to enhance athletic performance or physical development (Section 27-23.3 of the School Code [105 ILCS 5/27-23.3]).

(Source: Amended at 22 Ill. Reg. 22233, effective DEC 8 1996.)

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Section 1.APPENDIX D State Goals for Learning

The State Goals for Learning are broad statements of what students should know and be able to do as a result of their public education. The Illinois Learning Standards provide more specific definition of the essential knowledge and skills desired of Illinois students. The State assessment is designed to measure students' mastery of the Illinois Learning Standards, so that a clear connection will emerge between students' learning and the goals and standards of the State of Illinois.

ENGLISH LANGUAGE ARTS

State Goal 1: Read with understanding and fluency.

Standards:

Apply word analysis and vocabulary skills to comprehend selections.

Apply reading strategies to improve understanding and fluency.

Comprehend a broad range of reading materials.

State Goal 2: Read and understand literature representative of various societies, eras and ideas.

Standards:

Understand how literary elements and techniques are used to convey meaning.

Read and interpret a variety of literary works.

State Goal 3: Write to communicate for a variety of purposes.

Standards:

Use correct grammar, spelling, punctuation, capitalization and structure.

Compose well-organized and coherent writing for specific purposes and audiences.

Communicate ideas in writing to accomplish a variety of purposes.

State Goal 4: Listen and speak effectively in a variety of situations.

Standards:

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Listen effectively in formal and informal situations.

Speak effectively using language appropriate to the situation and audience.

State Goal 5: Use the language arts to acquire, assess and communicate information.

Standards:

Locate, organize, and use information from various sources to answer questions, solve problems and communicate ideas.

Analyze and evaluate information acquired from various sources.

Apply acquired information, concepts and ideas to communicate in a variety of formats.

The skills and knowledge of the language arts are essential for student success in virtually all areas of the curriculum. They are also a central requirement for the development of clear expression and critical thinking. The language arts include the study of literature and the development of skills in reading, writing, speaking, and listening.

As a result of their schooling, students will be able to:

read, comprehend, interpret, evaluate and use written material;

listen critically and analytically;

write in standard English in a grammatically well-organized and coherent manner for a variety of purposes;

use spoken language effectively in formal and informal situations to communicate ideas and information and to ask and answer questions;

understand the various forms of significant literature representative of different cultures, eras and ideas;

understand how and why language functions and evolves.

MATHEMATICS

State Goal 6: Demonstrate and apply a knowledge and sense of numbers, including numeration and operations (addition, subtraction, multiplication, division), patterns, ratios and proportions.

Standards:

Demonstrate knowledge and use of numbers and their representations in a broad range of theoretical and practical settings.

Investigate, represent and solve problems using number facts, operations (addition, subtraction, multiplication, division) and

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their properties, algorithms and relationships.

Compute and estimate using mental mathematics, paper-and-pencil methods, calculators and computers.

Solve problems using comparison of quantities, ratios, proportions and percents.

State Goal 7: Estimate, make and use measurements of objects, quantities and relationships and determine acceptable levels of accuracy.

Standards:

Measure and compare quantities using appropriate units, instruments and methods.

Estimate measurements and determine acceptable levels of accuracy.

Select and use appropriate technology, instruments and formulas to solve problems, interpret results and communicate findings.

State Goal 8: Use algebraic and analytical methods to identify and describe patterns and relationships in data, solve problems and predict results.

Standards:

Describe numerical relationships using variables and patterns.

Interpret and describe numerical relationships using tables, graphs and symbols.

Solve problems using systems of numbers and their properties.

Use algebraic concepts and procedures to represent and solve problems.

State Goal 9: Use geometric methods to analyze, categorize and draw conclusions about points, lines, planes and space.

Standards:

Demonstrate and apply geometric concepts involving points, lines, planes and space.

Identify, describe, classify and compare relationships using points, lines, planes and solids.

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Construct convincing arguments and proofs to solve problems.

Use trigonometric ratios and circular functions to solve problems.

State Goal 10: Collect, organize and analyze data using statistical methods; predict results; and interpret uncertainty using concepts of probability.

Standards:

Organize, describe and make predictions from existing data.

Formulate questions, design data collection methods, gather and analyze data and communicate findings.

Determine, describe and apply the probabilities of events.

Mathematics provides essential problem-solving tools applicable to a range of scientific, business, and everyday situations. Mathematics is the language of quantification and logic; its elements are symbols, structures, and shapes. It enables people to understand and use facts, definitions, and symbols in a coherent and systematic way in order to reason deductively and to solve problems.

As a result of their schooling, students will be able to perform the computations of addition, subtraction, multiplication, and division using whole numbers, integers, fractions, and decimals; understand and use ratios and percents; make and use measurements, including those of area and volume; identify, analyze, and solve problems using algebraic equations, inequalities, functions, and their graphs; understand and apply geometric concepts and relations in a variety of forms; understand and use methods of data collection and analysis, including tables, charts, and comparisons; use mathematical skills to estimate, approximate, and predict outcomes and to judge reasonableness of results.

SCIENCE BIOLOGICAL AND PHYSICAL SCIENCES

State Goal 11: Understand the processes of scientific inquiry and technological design to investigate questions, conduct experiments and solve problems.

Standards:

Know and apply the concepts, principles and processes of scientific inquiry.

Know and apply the concepts, principles and processes of

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technological design.

State Goal 12: Understand the fundamental concepts, principles and interconnections of the life, physical and earth/space sciences.

Standards:

Know and apply concepts that explain how living things function, adapt and change.

Know and apply concepts that describe how living things interact with each other and with their environment.

Know and apply concepts that describe properties of matter and energy and the interactions between them.

Know and apply concepts that describe force and motion and the principles that explain them.

Know and apply concepts that describe the features and processes of the Earth and its resources.

Know and apply concepts that explain the composition and structure of the universe and Earth's place in it.

State Goal 13: Understand the relationships among science, technology and society in historical and contemporary contexts.

Standards:

Know and apply the accepted practices of science.

Know and apply concepts that describe the interaction between science, technology and society.

Science is the quest for objective truth---it provides a conceptual framework for the understanding of natural phenomena and their causes and effects---the purposes of the study of science are to develop students who are scientifically literate, recognize that science is not a value-free, are capable of making ethical judgments regarding science and social issues, and understand that technological growth is an outcome of the scientific enterprise.

As a result of their schooling, students will have a working knowledge of: the concepts and basic vocabulary of biological, physical and environmental sciences and their application to life and work in contemporary technological society; the social and environmental implications and limitations of technological development; the principles of scientific research and their application in simple research projects.

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the processes, techniques, methods, equipment and available technology of science.SOCIAL SCIENCE SCIENERS

State Goal 14: Understand political systems, with an emphasis on the United States.

Standards:

Understand and explain basic principles of the United States government.

Understand the structures and functions of the political systems of Illinois, the United States and other nations.

Understand election processes and responsibilities of citizens.

Understand the roles and influences of individuals and interest groups in the political systems of Illinois, the United States and other nations.

Understand United States foreign policy as it relates to other nations and international issues.

Understand the development of United States political ideas and traditions.

State Goal 15: Understand economic systems, with an emphasis on the United States.

Standards:

Understand how different economic systems operate in the exchange, production, distribution and consumption of goods and services.

Understand that scarcity necessitates choices by consumers.

Understand that scarcity necessitates choices by producers.

Understand trade as an exchange of goods or services.

Understand the impact of government policies and decisions on production and consumption in the economy.

State Goal 16: Understand events, trends, individuals and movements shaping the history of Illinois, the United States and other nations.

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Standards:

Apply the skills of historical analysis and interpretation.

Understand the development of significant political events.

Understand the development of economic systems.

Understand Illinois, United States and world social history.

Understand Illinois, United States and world environmental history.

State Goal 17: Understand world geography and the effects of geography on society, with an emphasis on the United States.

Standards:

Locate, describe and explain places, regions and features on the Earth.

Analyze and explain characteristics and interactions of the Earth's physical systems.

Understand relationships between geographic factors and society.

Understand the historical significance of geography.

State Goal 18: Understand social systems, with an emphasis on the United States.

Standards:

Compare characteristics of culture as reflected in language, literature, the arts, traditions and institutions.

Understand the roles and interactions of individuals and groups in society.

Understand how social systems form and develop over time.

Social sciences provide students with an understanding of themselves and of society, prepare them for citizenship in a democracy and give them the bases for understanding the complexity of the world community. Study of the humanities of which social sciences are a part is necessary in order to preserve the values of human dignity, justice and representative processes. Social sciences include anthropology, economics, geography, government history, philosophy, political science, psychology and sociology.

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As a result of their schooling, students will be able to:
understand and analyze comparative political and economic systems with an emphasis on the political and economic systems of the United States;
understand and analyze events, trends, personalities and movements shaping the history of the world, the United States and Illinois;
demonstrate a knowledge of the basic concepts of the social sciences and how these help to interpret human behavior;
demonstrate a knowledge of world geography with emphasis on that of the United States;
apply skills and knowledge gained in the social sciences to decision-making in life situations.

FINE ARTS

The fine arts give students the means to express themselves creatively and to respond to the artistic expression of others. As a record of human experience the fine arts provide distinctive ways of understanding society, history and nature. The study of fine arts includes visual art, music, theatre and dance.

As a result of their schooling, students will be able to:
describe the unique characteristics of each of the arts;
understand the principal sensory, formal, technical and expressive qualities of each of the arts;
identify significant works in the arts from major historical periods and how they reflect eras, cultures and civilizations past and present;
identify processes and tools required to produce visual art, music, theatre and dance;
demonstrate the basic skills necessary to participate in the creation and/or performance of one of the arts.

PHYSICAL DEVELOPMENT AND HEALTH

State Goal 19: Acquire movement skills and understand concepts needed to engage in health-enhancing physical activity.

Standards:

Demonstrate physical competency in individual and team sports, creative movement and leisure and work-related activities.

Analyze various movement concepts and applications.

Demonstrate knowledge of rules, safety and strategies during physical activity.

State Goal 20: Achieve and maintain a health-enhancing level of physical fitness based upon continual self-assessment.

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Standards:

Know and apply the principles and components of health-related fitness.

Assess individual fitness levels.

Set goals based on fitness data and develop, implement and monitor an individual fitness improvement plan.

State Goal 21: Develop team-building skills by working with others through physical activity.

Standards:

Demonstrate individual responsibility during group physical activities.

Demonstrate cooperative skills during structured group physical activity.

State Goal 22: Understand principles of health promotion and the prevention and treatment of illness and injury.

Standards:

Explain the basic principles of health promotion, illness prevention and safety.

Describe and explain the factors that influence health among individuals, groups and communities.

Explain how the environment can affect health.

State Goal 23: Understand human body systems and factors that influence growth and development.

Standards:

Describe and explain the structure and functions of the human body systems and how they interrelate.

Explain the effects of health-related actions on the body systems.

Describe factors that affect growth and development.

State Goal 24: Promote and enhance health and well-being through the use of

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effective communication and decision-making skills.Standards:

Demonstrate procedures for communicating in positive ways, resolving differences and preventing conflict.

Apply decision-making skills related to the protection and promotion of individual health.

Demonstrate skills essential to enhancing health and avoiding dangerous situations.

FINE ARTS

State Goal 25: Know the language of the arts.

Standards:

Understand the sensory elements, organizational principles and expressive qualities of the arts.

Understand the similarities, distinctions and connections in and among the arts.

State Goal 26: Through creating and performing, understand how works of art are produced.

Standards:

Understand processes, traditional tools and modern technologies used in the arts.

Apply skills and knowledge necessary to create and perform in one or more of the arts.

State Goal 27: Understand the role of the arts in civilizations, past and present.

Standards:

Analyze how the arts function in history, society and everyday life.

Understand how the arts shape and reflect history, society and everyday life.

Effective-human-functioning--depends--upon--optimum--physical--development--and health--Education--for-physical-development-and-health-provides-students-with

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the knowledge and attitudes to achieve healthful living throughout their lives and to acquire physical fitness, coordination and leisure skills.
 As a result of their schooling, students will be able to:
 understand the physical development, structure and functions of the human body;
 understand principles of nutrition, exercise, efficient management of emotional stress, positive self-concept, development, drug use and abuse, and the prevention and treatment of illness;
 understand consumer health and safety, including environmental health; demonstrate basic skills and physical fitness necessary to participate in a variety of conditioning exercises or leisure activities such as sports and dance;
 plan a personal physical fitness and health program;
 perform a variety of complex motor activities;
 demonstrate a variety of basic life-saving activities;
 in pursuing knowledge in these fundamental areas, students must develop an understanding of the interrelationships of knowledge, develop skills in the use of electronic and other applicable technology, and develop their ability to gather, evaluate and synthesize information from a variety of sources.

(Source: Amended at 22 Ill. Reg. 22233, effective July 1, 1998)

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Section 1. APPENDIX E Evaluation Criteria - Student Performance and School Improvement Determination (Repealed)

Glossary of Terms

These definitions are specific to this Appendix E:

Comprehensive: All dimensions of a State Goal for bearing with regard to scope, content, specificity, skills, and type of thinking required are addressed.

Consultative: Conducted in a manner that solicits input from staff, students, parents, and community.

Diverse assessment: Using more than one type of assessment in constructing a standard; types selected as dimensions of a standard must not be exclusively forced choice/short answer (e.g., multiple choice, true/false, matching, fill in the blank) and must be appropriate to the range and depth of the content and thinking skills of a learning outcome.

Evidence: The documented information on which a judgment or conclusion may be based, establishing the likelihood or probability that a claim is credible; "compelling evidence" establishes a high likelihood or probability of removing uncertainties or doubts on the part of the evaluator.

Format: Following a purposeful, regulated and documented pattern of activity or form.

Methods of Assessment: Instruments and procedures used to measure student performance in meeting the standards for a learning outcome. These assessments must relate to a learning outcome, identify a particular kind of evidence to be evaluated, define exercises that elicit that evidence, and describe systematic scoring procedures. Methods of assessment are classified here as either forced choice/short answer or complex generated response.

Forced choice/short answer: Students must select correct responses from a range of alternative responses provided in the assessment instrument and/or procedure or supply a word or short phrase to answer a question or complete a statement.

Complex generated response: A non forced choice exercise in which a student provides evidence of specific knowledge or skills. The evidence might be in the form of a written essay, performance product or other type of presentation.

Students: Those pupils whose performance is assessed in compliance with the requirements of Subpart A of this Part and this Appendix E. Systematic: Integral to the process for implementing and monitoring improvement in school and student performance and occurring at least annually.

Assignment of Point Values
for

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School Improvement Components

Points will be awarded to schools based upon the evaluation criteria set forth below. The numbers in the left margin represent the range of point values which may be assigned to a school for each of the areas listed. In order for a school to receive the number of points shown, all conditions described in the corresponding scoring criterion must exist. The total score for a school will result in a student performance and a school improvement determination in accordance with the criteria shown in Appendix F.

1-Analysis of Existing Conditions

1-1-Description of student population; identification of significant groups in the population relevant to learning outcomes and consideration of attendance variables

1--There is little or no evidence that demographic information is maintained on the student population of the school for the purpose of identifying significant groups in the population of learners to be monitored for performance.

2--Demographic information on the student population of the school is limited. There is no evidence that socioeconomic groups or other groups in the student population which warrant description or emerge as a result of analysis of data are identified.

3--Student attendance, truancy, mobility, retention, and expulsion rates are maintained. Graduation and dropout rates are maintained for high schools. There is no evidence that these performance indicators are consulted when considering factors which may affect student learning.

3--Demographic information on the total population of the school is maintained indicating the number and percent of students at each grade who are receiving special education services who are receiving Chapter 1 services who are participating in a gifted program who are participating in a vocational program who have limited English proficiency and who are members of various gender/racial/ethnic socioeconomic or other groups which warrant description or emerge as a result of analysis of demographic information. Groups in the student population which warrant description or emerge as a result of analysis of data whose performance data will be disaggregated are identified.

4--A rationale is documented for the selection of identified groups within the student population.

5--Student attendance, truancy, mobility, retention, and expulsion rates are maintained. Graduation and dropout rates are maintained for high schools. These performance indicators are informally consulted when considering factors which may affect student learning.

6--Demographic information on the total population of the school is maintained

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indicating the number and percent of students at each grade who are receiving special education services who are receiving Chapter 1 services who are participating in a gifted program who are participating in a vocational program who have limited English proficiency and who are members of various gender/racial/ethnic socioeconomic or other groups which warrant description or emerge as a result of analysis of demographic information. Groups in the student population which warrant description or emerge as a result of analysis of data whose performance data will be disaggregated are identified.

7--A rationale is documented for the selection of identified groups within the student population based on formal and systematic identification procedures. Student attendance, truancy, mobility, retention, and expulsion rates are maintained. Graduation and dropout rates are maintained for high schools. These performance indicators are formally and systematically consulted when considering factors which may affect student learning.

8--2-Perceived student needs derived from staff and/or the community and community characteristics which may affect student learning

1--There is little or no evidence that inquiry is conducted on the needs of students in the school related to learning outcomes as perceived by school staff and the school community or on community characteristics which may affect student learning.

2--Evidence exists that information on the needs of students in the school related to learning outcomes as perceived by school staff and the school community is occasionally and informally elicited. Evidence exists that informal inquiry is conducted to explain how community characteristics may affect student learning.

3--Compelling evidence exists that information on the needs of all students in the school related to learning outcomes as perceived by school staff and school community representatives is formally and systematically collected. Evidence exists that informal inquiry is conducted to explain how community characteristics may affect student learning.

4--Evidence exists that information on the needs of all students in the school related to learning outcomes as perceived by school staff and school community representatives is occasionally and informally elicited.

5--Compelling evidence exists that formal inquiry is conducted to explain how community characteristics may affect student learning.

6--Compelling evidence exists that information on the needs of all students in the school related to learning outcomes as perceived by school staff and school community representatives is formally and systematically collected. Compelling evidence exists that formal inquiry is conducted to explain how community characteristics may affect student learning.

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2-Bearing-Outcomes-7-Standards-and-Expectations

2-1-Bearing-Outcomes

- 1--Bearing-Outcomes-have-not-been-developed-
- 2--Comprehensive-learning-outcomes-aligned-with-some-State-Goals-for-bearing-exist-for-the-school-and-are-written-in-some-fundamental-learning-areas-for-at-least-2-grades-for-a-i-8-attendance-center-or-for-at-least-one-grade-for-a-middle-school/junior-high-high-school-or-primary-attendance-center-with-fewer-than-8-grades-
- 3--The-process-for-developing-learning-outcomes-is-informal-and-limited-in-participation-of-school-staff-and-in-communication-with-students-parents-and-the-school-community-
- 4--There-is-some-alignment-of-the-curriculum-with-learning-outcomes-
- 3--Comprehensive-learning-outcomes-aligned-with-all-required-State-Goals-for-bearing-exist-for-the-school-and-are-written-in-all-fundamental-learning-areas-for-at-least-2-grades-for-a-i-8-attendance-center-or-for-at-least-one-grade-for-a-middle-school/junior-high-high-school-or-primary-attendance-center-with-fewer-than-eight-grades-
- 4--The-process-for-developing-learning-outcomes-is-informal-and-limited-in-participation-of-school-staff-and-in-communication-with-students-parents-and-the-school-community-
- 5--There-is-some-alignment-of-the-curriculum-with-learning-outcomes-
- 4--Comprehensive-learning-outcomes-aligned-with-all-the-State-Goals-for-bearing-areas-for-at-least-2-grades-for-a-i-8-attendance-center-or-for-at-least-one-grade-for-a-middle-school/junior-high-high-school-or-primary-attendance-center-with-fewer-than-eight-grades-
- 5--Bearing-outcomes-address-the-content-of-a-State-Goal(s)-for-bearing-are-broader-in-focus-than-a-learning-objective-probe-the-range-and-depth-of-thinking-skills-appropriate-to-the-State-Goal(s)-for-bearing-and-are-amenable-to-assessment-
- 6--The-process-for-developing-learning-outcomes-includes-a-systematic-review-cycle-and-includes-participation-of-school-staff-and-communication-with-students-parents-and-the-school-community-in-the-deliberative-process-Both-the-rationale-for-this-process-and-the-rationale-for-the-resulting-learning-outcomes-are-evident-
- 7--There-is-formal-and-systematic-alignment-of-the-curriculum-with-learning-outcomes-
- 5--Comprehensive-learning-outcomes-aligned-with-all-State-Goals-for-bearing-exist-for-the-school-and-are-written-in-all-fundamental-learning-areas-for-at-least-500-of-the-grades-at-the-attendance-center-
- 6--Bearing-outcomes-address-the-content-of-State-Goal(s)-for-bearing-are-broader-in-focus-than-a-learning-objective-probe-the-range-and-depth-of-thinking-skills-appropriate-to-the-State-Goal(s)-for-bearing-and-are

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- amenable-to-assessment-when-appropriate-and-reflect-problems-and-tasks-outside-the-classroom-
- 2--The-process-for-developing-learning-outcomes-includes-a-systematic-review-cycle-and-includes-participation-of-school-staff-and-communication-with-students-parents-and-the-school-community-in-the-deliberative-process-Both-the-rationale-for-this-process-and-the-rationale-for-the-resulting-learning-outcomes-are-evident-
- 3--There-is-formal-and-systematic-alignment-of-the-curriculum-with-learning-outcomes-
- 6--For-elementary-middle-schools-and-junior-high-schools-comprehensive-learning-outcomes-aligned-with-all-State-Goals-for-bearing-are-written-in-all-fundamental-learning-areas-for-all-grades-
- 7--For-high-schools-learning-outcomes-aligned-with-the-State-Goals-for-bearing-are-written-in-all-fundamental-learning-areas-where-are-comprehensive-coverage-of-all-State-Goals-for-bearing-in-all-fundamental-learning-areas-throughout-the-scope-of-the-high-school-program-
- 8--Bearing-outcomes-address-the-content-of-State-Goal(s)-for-bearing-are-broader-in-focus-than-a-learning-objective-probe-the-range-and-depth-of-thinking-skills-appropriate-to-the-State-Goal(s)-for-bearing-and-are-amenable-to-assessment-Bearing-outcomes-address-fundamental-learning-areas-when-appropriate-and-reflect-problems-and-tasks-outside-the-classroom-
- 9--The-process-for-developing-learning-outcomes-includes-a-systematic-review-cycle-and-includes-participation-of-school-staff-and-communication-with-students-parents-and-the-school-community-in-the-deliberative-process-Both-the-rationale-for-this-process-and-the-rationale-for-the-resulting-learning-outcomes-are-evident-
- 10--There-is-formal-and-systematic-alignment-of-the-curriculum-with-learning-outcomes-
- 1--Standards-for-the-school-do-not-exist-for-learning-outcomes-
- 2--Standards-for-the-school-exist-for-some-learning-outcomes-and-are-stated-in-a-manner-which-delineates-whether-a-student-is-to-be-included-in-the-expectation-group-every-the-percentage-of-students-who-are-expected-to-achieve-the-learning-outcome-
- 3--Standards-for-the-school-exist-for-all-learning-outcomes-and-are-written-as-a-single-assessment-instrument-or-procedure-
- 4--Points-awarded-for-learning-outcomes-(2-1)-are-three-(3)-or-more-where-is-a-formal-and-consultative-process-for-setting-standards-Both-the-rationale-for-this-process-and-the-rationale-for-the-standards-are-evident-
- 5--Standards-exist-for-the-school-for-all-learning-outcomes-in-all-fundamental

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learning--areas--and--are--written--as--out-comes--or--minimum-~~criteria~~--on-a variety-of--assessment-instruments--or--procedures--that--address--the--scope content--and--specificity--of--the--learning--outcome.

1--Points--awarded--for--learning--outcome:

1--There--is--a--formal--consultative--process--for--the--school--for--setting standards--Both--a--rationale--for--this--process--which--includes--consultation--of previous--performance--data--and--a--rationale--for--the--standards--are--evident.

5--Standards--exist--for--the--school--for--all--learning--outcomes--in--all--fundamental learning--areas--and--are--written--as--out-comes--or--minimum-~~criteria~~--on-a variety-of--assessment-instruments--or--procedures--that--address--the--scope content--and--specificity--of--the--learning--outcome.

1--Points--awarded--for--learning--outcomes--(2-1)-are--five--(5):

1--There--is--a--formal--consultative--process--for--the--school--for--setting standards--Both--a--rationale--for--this--process--which--includes--consultation--of previous--performance--data--and--a--rationale--for--the--standards--are--evident.

6--Standards--exist--for--the--school--for--all--learning--outcomes--in--all--fundamental learning--areas--and--are--written--as--out-comes--or--minimum-~~criteria~~--on-a variety-of--assessment-instruments--or--procedures--that--address--the--scope content--and--specificity--of--the--learning--outcome.

1--Points--awarded--for--learning--outcomes--(2-1)-are--six--(6):

1--There--is--a--formal--consultative--process--for--the--school--for--setting standards--Both--a--rationale--for--this--process--which--includes--consultation--of previous--performance--data--and--a--rationale--for--the--standards--is--evident.

2-3-Expectations

1--Expectations--have--not--been--established--for--the--school.

2--Expectations--exist--for--the--school--for--learning--outcomes--in--some--fundamental learning--areas--in--the--form--of--the--percent--of--students--expected--to--achieve learning--outcomes.

1--Points--awarded--for--standards--(2-2)-are--two--(2)-or--more.

3--Expectations--exist--for--the--school--for--each--learning--outcome--in--each fundamental--learning--area--in--the--form--of--the--percent--of--students--expected--to meet--the--standard--for--that--learning--outcome.

1--Points--awarded--for--standards--(2-2)-are--three--(3)-or--more.

1--There--is--a--process--for--the--school--for--establishing--expectations--and--a rationale--for--this--process.

4--Expectations--exist--for--the--school--for--each--learning--outcome--in--each fundamental--learning--area--in--the--form--of--the--percent--of--students--expected--to meet--the--standard--for--that--learning--outcome.

1--Points--awarded--for--standards--(2-2)-are--four--(4)-or--more.

1--There--is--a--formal--systematic--and--consultative--process--for--the--school--for establishing--expectations--and--a--rationale--for--this--process.

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3-Assessment-Systems

3-1-Coordination-of--assessment-instruments--and procedures--with--learning--outcomes

1--Learning--outcomes--for--the--school--are--not--assessed--by--assessment-instruments and--procedures.

2--Some--learning--outcomes--for--the--school--in--all--required--fundamental--learning areas--are--assessed--by--assessment-instruments--and--procedures--administered--at least--at--benchmark--grades.

1--Points--awarded--for--standards--(2-2)-are--two--(2)-or--more.

3--Some--learning--outcomes--for--the--school--for--all--fundamental--learning--areas--are assessed--by--a--variety--of--assessment-instruments--and--procedures--that--address the--scope--content--and--specificity--of--the--learning--outcome--and--are administered--to--students--at--least--at--benchmark--grades.

1--Points--awarded--for--standards--(2-2)-are--four--(4)-or--more.

1--The--rationale--for--choosing--or--developing--each--instrument--or--procedure--for the--school--is--evident.

4--All--learning--outcomes--for--the--school--in--all--fundamental--learning--areas--are assessed--by--a--variety--of--assessment-instruments--and--procedures--that--address the--scope--content--and--specificity--of--the--learning--outcome.

1--Assessment-instruments--and--procedures--are--clearly--diverse--in--type--for--all standards--for--learning--outcomes.

1--Points--awarded--for--standards--(2-2)-are--five--(5)-or--more.

1--The--rationale--for--choosing--or--developing--each--instrument--or--procedure--is evident.

3-2-Validity-of-Assessment-Instruments-and-Procedures

1--There--is--little--or--no--evidence--that--assessment-instruments--and--procedures used--to--measure--student--achievement--for--learning--outcomes--will--produce student--performance--results--which--are--valid--measures--of--the--learning outcomes.

2--Claims--for--content--validity--are--documented--for--all--instruments--and procedures--used--to--measure--student--achievement--of--learning--outcomes--for--the school.

1--There--is--evidence--that--there--are--instruments--and--procedures--sufficient--to measure--all--learning--outcomes--and

1--That--assessment-instruments--and--procedures--measure--knowledge--and--skills beyond--specific--tasks--or--questions--to--provide--accurate--information--for making--judgments--about--the--progress--of--students--toward--achieving--learning outcomes.

3--Claims--for--content--validity--are--documented--for--all--instruments--and

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procedures--used-to-measure-student-achievement-of-learning-outcomes-for-the school;
 ---There-is-compelling-evidence-that-there-are-instruments-and-procedures--used-to-set-standards-for-achievement-of-learning-outcomes-for-the-school;
 ---That-assessment-instruments--and-procedures-measure-knowledge-and-skills beyond-specific-tasks-or-questions--to--provide-accurate-information-for making-judgments--about--the-progress-of-students-toward-achieving-learning outcomes;

3-3-Reliability-of-assessment-instruments-and-procedures

1--Reliability-claims-are-documented-for-assessment-instruments-and-procedures used--to--set--standards-for-achievement-of-learning-outcomes-for-the-school for-some-but-not-all-assessment-instruments-and-procedures;
 ---There-is-no-evidence-that-these-instruments-and-procedures-are-administered, scored, and-interpreted-in-a-uniform-manner;

2--Reliability-claims-are-documented-for-assessment-instruments-and-procedures used--to--set--standards--for--achievement--of--all-learning-outcomes-for-the school-in-all-required-fundamental-learning-areas;
 ---Evidence-is-provided-that-these-instruments-and-procedures-are-administered, scored, and-interpreted-in-a-uniform-manner;

3--Reliability-claims-are-documented-for-assessment-instruments-and-procedures used--to--set--standards--for--achievement--of--all-learning-outcomes-for-the school-in-all-fundamental-learning-areas;

---Formal-procedures--are--documented--for--the--administration--scoring,--and interpretation--of--all--assessment--instruments--and-procedures--in-a-uniform manner;

3-4-Nondiscriminatory-assessment-instruments-and-procedures

1--There-is-no-evidence-that-steps-have-been-taken-to-ensure--that--instruments and-procedures--used--to--set--standards--for-learning-outcomes-for-the-school are-nondiscriminatory-regarding-racial--or--gender--differences--or--student disabilities;

2--Evidence---is---provided---in---the---claims---for---nondiscrimination---regarding race/ethnic-and-gender--differences--and--student--disabilities--for--all assessment--instruments--and-procedures-used-to-set-standards-for-achievement of-learning-outcomes;

4-Analysis-of-Student-Performance-Data

4-1-Data-sufficiency-for-decision-making

1--Data-for-the-school-are-insufficient-to--make--decisions--regarding--student progress-for-each-learning-outcome;

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2--limited-data-are-available-for-the-school-for-the-most-recent-academic-year that-are-based-on-results-from-validity-reliable-and-nondiscriminatory assessment-instruments--and-procedures-and-that-are-used-to-make-decisions regarding-student-performance-relative-to-learning-outcomes-including--data for--any--groups--in-the-student-population-identified-for-disaggregate-data analysis;

---These-data-for-the-school-are-used-to-establish-current-and-prior-years student-performance-in-all-fundamental-learning-areas;

3--Data-available-for-the-school-for-the-most-recent-academic-year-are-based-on results-from-a-variety-of-valid-reliable-and-nondiscriminatory-assessment instruments-and-procedures-and-are-used-to-make-decisions-regarding--student performance-relative-to-each-learning-outcome;

---The-data-set--for--the--school-is-sufficient-in-its-description-of-student performance-in-meeting-the-standard-for-each-learning-outcome--and--includes data--for--groups-in-the-student-population-identified-for-disaggregate-data analysis--for--the--most--recent--academic--year;

---All-students-in-the-school-at-least--in--the--benchmark--grades--or--in--the instructional-group-are-accounted-for;

---Current-and-prior-years--student-performance-data-relative-to-early-learning outcome-have-been-exhibited;

4-2-Compilation-and-analysis-of-assessment-data

1--There-is-little-or-no-systematic-collection-comparison-or-weighting-of assessment-data-for-the-school;nor-is-there-an-indication-of-the-percent-of students-who-met-standards-for-learning-outcomes--for--fundamental-learning areas;

2--There-is-systematic-collection-comparison-and-weighting-of-assessment-data for-the-school-with-an-indication-of--the-percent-of--students--who--met standards--for--some--but--not--all--learning-outcomes--for--all-fundamental learning-areas;

---Points-awarded-for-standards-(2-2)-are-two-(2)-or-more;

3--There-is-systematic-collection-comparison-and-weighting-of-assessment--data for--the--school--with--an--indication--of--the--percent--of--students--who--met standards--for--all-learning-outcomes--for--all-fundamental-learning-areas;

---Points-awarded-for-standards-(2-2)-are-four-(4)-or-more;

---A-process-for-identifying-strengths-and-weaknesses--of--student-performance relative-to-all-learning-outcomes--and--for--groups--identified-for-data disaggregation-is-evident;

4--There-is-systematic-collection-comparison-and-weighting-of-assessment--data for--the--school--with--an--indication--of--the--percent--of--students--who--met standards--for--all-learning-outcomes--in--all--fundamental-learning-areas;

---Points-awarded-for-standards-(2-2)-are-four-(4)-or-more;

---A-formal-process-for-identifying-strengths--and--weaknesses--of--student

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performance--relative--to--all--learning--outcomes--for--the--total--population--and
for--groups--identified--for--data--disaggregation--is--evident--

5-Evaluation-of-Student-Performance-and-School-Programs

5-1-Evaluation-of-student-performance-by-standard

1--Where-is-little-or-no-evidence-that-student-performance-in-meeting-standards
for-learning-outcomes-is-improving-over-time--in--the--fundamental--learning
areas--

2--Where-is-evidence--that--improvement--in--student--performance--in--meeting
standards--for--learning--outcomes--has--occurred--over--time--in--some--fundamental
learning--areas--

--Points-awarded-for-standards-(2-2)-are-(2)-or-more-

3--Where-is-evidence--that--improvement--in--student--performance--in--meeting
standards--for--learning--outcomes--has--occurred--over--time--in--each--fundamental
learning--area--for--the--student--population--and--for--groups--in--the--student
population--identified--for--disaggregate--data--analysis--

--Points-awarded-for-standards-(2-2)-are-three-(3)-or-more-

--Points-awarded-for-data-sufficiency-(4-1)-are-two-(2)-or-more-

4--Where-is-evidence--the--improvement--in--student--performance--in--meeting
standards--for--learning--outcomes--has--occurred--over--time--in--each--fundamental
learning--area--for--the--student--population--and--for--groups--in--the--student
population--identified--for--disaggregate--data--analysis--

--Points-awarded-for-standards-(2-2)-are-four-(4)-or-more-

--Points-awarded-for-data-sufficiency-(4-1)-are-three-(3)-or-more-

5--Where-is-compelling-evidence--that--improvement--in--student--performance--in
meeting--standards--for--learning--outcomes--has--occurred--over--time--in--each
fundamental--learning--area--for--the--student--population--and--for--groups--in--the
student--population--identified--for--disaggregate--data--analysis--

--Student--performance--in--meeting--standards--for--learning--outcomes--has--been
maintained--relative--to--those--standards--for--learning--outcomes--where
improvement--was--not--evidenced--

--Points-awarded-for-standards-(2-2)-are-five-(5)-or-more-

--Points-awarded-for-data-sufficiency-(4-2)-are-three-(3)-or-more-

6--Where-is-compelling-evidence--that--improvement--in--student--performance--in
meeting--standards--for--learning--outcomes--has--occurred--over--time--for--a
majority--of--learning--outcomes--in--each--fundamental--learning--area--for--the
student--population--and--for--groups--in--the--student--population--identified--for
disaggregate--data--analysis--

--Student--performance--in--meeting--standards--for--learning--outcomes--has--been
maintained--relative--to--those--standards--for--learning--outcomes--where
improvement--was--not--evidenced--

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--Points-awarded-for-standards-(2-2)-are-five-(5)-or-more-

--Points-awarded-for-data-sufficiency-(4-1)-are-three-(3)-

*--Point-values-2-through-6-will-be-doubled-in-calculating-the-total-points-for
a-school--

5-2-Program-evaluation

1--There-is-little-or-no-evidence-of-program-evaluation-for-the-school-based-on
student-performance-on-learning-outcomes--

2--Evidence-exists--that--there-is--program--evaluation--for--the-school--that
identifies-probable-causes-for--students--failure--to--meet--standards--for
learning-outcomes--(if-applicable)--

--Where-is--no-evidence-of-formal-program-evaluation--that--identifies-probable
causes--for--the--failure--of--students--in--groups--identified--for--disaggregate
data--analysis--to--meet--standards--for--learning--outcomes--(if-applicable)--

3--Evidence-exists--that--there-is--formal-program-evaluation--for--the-school--that
identifies-probable-causes-for--students--failure--to--meet--standards--for
learning-outcomes--(if-applicable)--

--Evidence-exists--that--there-is--formal-program-evaluation--for--the-school--that
identifies-probable-causes--for--the--failure--of--students--in--groups--identified
for--disaggregate--data--analysis--to--meet--standards--for--learning--outcomes--(if
applicable)--

4--Compelling-evidence-exists--that--there-is--formal-program-evaluation--for--the
school--that--identifies--probable--causes--for--students--failure--to--meet
standards--for--learning--outcomes--(if-applicable)--

--Compelling-evidence-exists--that--there-is--formal-program-evaluation--that
identifies-probable-causes--for--the--failure--of--students--in--groups--identified
for--disaggregate--data--analysis--to--meet--standards--for--learning--outcomes--(if
applicable)--

--Consideration-is--given--to--proposals--for--what--can--be--done--differently--to
better--identify-probable-causes--for--students--failure--to--meet--standards--for
learning-outcomes--

6-Review-of-Expectations-and-Implementation-of-Activities-to-Increase-Student
Performance

6-1-Annual-review-of-expectations

1--Expectations-which-exist-for-the-school-are-not-subject-to-annual-review--

2--Expectations-which-exist--for--the-school-are-subject-to-annual-review--and
revision--if--warranted--based--on--student--performance--data--and--data--trends--for
the-school--

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3--Expectations which exist for the school are subject to review/revision through a systematic, formal, and consultative process utilizing student performance data and data trends for the school.

6-2 Activities planned to increase student performance to meet new or existing expectations and consideration of changes in demographic or instruction in establishing expectations

1--There is little or no evidence that changes in curriculum, instruction, staff development, organizational structure, etc., for the school will be implemented in order to improve the achievement of students in meeting standards for learning outcomes or to effect other improvements in student learning at the school.

2--There is little or no evidence of planned strategies for improving the performance of students in the school who have not met standards for learning outcomes for the school.

3--There is little or no evidence of planned strategies for improving student attendance, truancy, graduation rates, or the climate of the school to enhance instructional efforts.

4--There is evidence that changes in curriculum, instruction, staff development, organizational structure, etc., will be implemented for the school in order to improve the achievement of students in meeting standards for learning outcomes or to effect other improvements in student learning at the school.

5--These changes are not systematic and are not directed by student performance data for the school.

6--There are no formally planned strategies for improving the performance of students who have not met standards for learning outcomes for the school.

7--Formal consideration is given to possible changes in demographics and instruction.

8--There is evidence of planned strategies for improving student attendance, truancy, graduation rates, or the climate of the school to enhance instructional efforts.

9--There is compelling evidence that changes in curriculum, instruction, staff development, organizational structure, etc., for the school will be implemented in order to improve the achievement of students in meeting standards for learning outcomes or to effect other improvements in student learning at the school.

10--These changes are not systematic but are developed with consultation of student performance data for the school.

11--There are planned strategies for improving the performance of students who have not met standards for learning outcomes for the school.

12--Formal consideration is given to possible changes in demographics and instruction.

13--There is evidence of planned strategies for improving student attendance, truancy, graduation rates, or the climate of the school to enhance

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instructional efforts.

4--There is compelling evidence that changes in curriculum, instruction, staff development, organizational structure, etc., for the school will be implemented in order to improve the achievement of students in meeting standards for learning outcomes or to effect other improvements in student learning at the school.

5--These changes are systematic and are directed by student performance data for the school.

6--There are formal, planned strategies for improving the performance of students who have not met standards for learning outcomes for the school.

7--Formal consideration is given to possible changes in demographics and instruction.

8--There is compelling evidence of formal, planned strategies for improving student attendance, truancy, graduation rates, or the climate of the school to enhance instructional efforts.

7-Reporting to the Public

7-1-Regular communication is conducted with the school board

Parents of students and local media on student progress towards meeting the standards for achieving learning outcomes

1--There is no evidence of regular communication with the school board, parents of students, and local media on student progress towards meeting the standards for achieving learning outcomes.

2--Information describing how students of the school are being served and how well they are achieving relative to standards for learning outcomes is available.

3--Some audiences are addressed, partial information is presented in some communication formats.

4--There is no evidence that procedures are in place to help audiences to understand the information provided.

5--Information describing how students of the school are being served and how well they are achieving relative to standards for learning outcomes is available.

6--All audiences are addressed and timetables are established for releasing information to audiences.

7--People are identified to provide information on student progress toward meeting standards for achieving learning outcomes.

8--Information is complete in all communication formats.

9--There is evidence that limited procedures are in place to help audiences to understand the information provided.

10--Information describing how students of the school are being served and how

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well-they-are-achieving-relative--to--standards--for--learning--outcomes--in
available:
---All--audiences--are--addressed--and--timetables--are--established--for--releasing
information--to--audiences,
---information--is--complete--in--all--reporting--formats--for--various--quantities,
---Systematic--procedures--are--in--place--to--assist--the--audience--interpret--and
understand--the--information--provided,
---Appropriate--training--is--provided--for--these--people--responsible--for--providing
information--on--student--progress--in--meeting--standards--for--learning--outcomes,
(Source: Repealed at 22 Ill. Reg. 22233, effective
DEC 8 1998.)

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Section 1.APPENDIX F Criteria for Determination - Student Performance and
School Improvement (Repealed)

The-points-awarded-to-a-school-pursuant-to-the-criteria-specified-in-Appendix-B
to-this-Part-will-be-totaled-to-arrive-at-the-school-a-score--This-total-score
will-correspond-to-the-school-a--student--performance--and--school--improvement
determination--as-set-forth-below:

Prior-to-October-17-1995,-the-following-point-ranges-will-apply:

Does-Not-Meet-Student-Performance
and-School-Improvement-Standards 16---26

Does-Not-Fully-Meet-Student-Performance
and-School-Improvement-Standards 27---31

Meets-Student-Performance
and-School-Improvement-Standards 32---64

Exceeds-Student-Performance
and-School-Improvement-Standards 65---70

Beginning-on-October-17-1995,-the-following-point-ranges-will-apply:

Does-Not-Meet-Student-Performance
and-School-Improvement-Standards 16---40

Does-Not-Fully-Meet-Student-Performance
and-School-Improvement-Standards 41---49

Meets-Student-Performance
and-School-Improvement-Standards 50---64

Exceeds-Student-Performance
and-School-Improvement-Standards 65---70

(Source: Repealed at 22 Ill. Reg. 22233, effective
DEC 8 1998.)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 1. APPENDIX G Criteria for Determination - State Assessment (Repealed)

Score Ranges for Reading-by-Grade

	Does Not Meet- State Standards	Meets State Standards	Exceeds State Standards
Grade-3	0---176	177---337	338---500
Grade-6	0---188	189---337	338---500
Grade-8	0---185	186---325	326---500
Grade-10	0---177	178---313	314---500

Score Ranges for Writing-by-Grade

	Does Not Meet- State Standards	Meets State Standards	Exceeds State Standards
Grade-3	6---14	15---21	22---32
Grade-6	6---17	18---23	24---32
Grade-8	6---28	21---26	27---32
Grade-10	6---25	26---29	30---32

Score Ranges for Mathematics-by-Grade

	Does Not Meet- State Standards	Meets State Standards	Exceeds State Standards
Grade-3	0---153	154---349	350---500
Grade-6	0---165	166---347	348---500
Grade-8	0---176	177---351	352---500
Grade-10	0---176	177---322	323---500

Score Ranges for Social-Sciences-by-Grade

	Does Not Meet- State Standards	Meets State Standards	Exceeds State Standards
Grade-4	0---157	158---305	306---500
Grade-7	0---135	136---295	296---500
Grade-11	0---121	122---321	322---500

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Score Ranges for Science-by-Grade

	Does Not Meet- State Standards	Meets State Standards	Exceeds State Standards
Grade-4	0---123	124---206	207---500
Grade-7	0---161	162---295	296---500
Grade-11	0---195	196---326	327---500

(Source: Repealed at 22 Ill. Reg. **22293**, effective
DEC 8 1998)

DEPARTMENT OF THE LOTTERY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Lottery (General)2) Code Citation: 11 Ill. Adm. Code 17703) Section Numbers: Adopted Action:

1770.10 Amendment

1770.90 Amendment

1770.120 Amendment

1770.150 Amendment

1770.190 Amendment

4) Statutory Authority: Implementing Sections 7.1 and 7.2, and authorized by Section 7.1, of the Illinois Lottery Law [20 ILCS 1605/7.1 and 7.2] and Executive Order 86-2, effective July 1, 1986.5) Effective Date of Amendments: December 14, 19986) Does this rulemaking contain an automatic repeal date? No, this rulemaking does not contain an automatic repeal date.7) Do these amendments contain incorporations by reference? No, these amendments do not contain incorporations by reference.

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: July 31, 1998, 22 Ill. Reg. 14094

10) Has JCAR issued a Statement of Objections to these amendments? No, JCAR did not issue a Statement of Objections to these amendments.

11) Difference(s) between proposal and final version:

1. In the Source Note, added "emergency" after "1996;" and changed "amended" to "amendment" for the amendment published at 22 Ill. Reg. 9307.

2. In Section 1770.10, replaced "these Rules" with "this Section" in the definition of "claimant".

3. In Section 1770.10 (definition of "person" in the context of a prize claim), Section 1770.120 (b) and Section 1770.150 (g), struck "these Rules" and added "this Part".

4. In Section 1770.90(c)(3), removed the underscoring from the subparagraph headings "third", "Fourth" and "Fifth".

DEPARTMENT OF THE LOTTERY

NOTICE OF ADOPTED AMENDMENTS

5. In Section 1770.20(b), struck "of" after "value" in the first line.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? There were no agreed upon changes to the amendments.13) Will these amendments replace an emergency amendment currently in effect? No, this rule will not replace an emergency amendment.14) Are there any amendments pending on this Part? No, there are no other amendments pending on this Part.15) Summary and Purpose of Amendments:

Section 1770.10 was amended to define "claimant" and "person" in the context of a prize claim, in order to clarify the circumstances under which "artificial" persons such as trusts and limited liability partnerships can claim a prize.

Section 1770.90 was amended to authorize the Chief Accountant to approve terminal reactivations in the absence of the Deputy Director for Finance or his assistant, in order to eliminate unnecessary terminal down-time.

Section 1770.120 was amended to permit reimbursement to agents who pay prizes in excess of the amount generally authorized for payment at agent locations, provided sufficient documentation and justification are furnished.

Section 1770.150 was amended to clarify the agent's responsibility for unsold tickets not returned to the Lottery.

Section 1770.190 was amended to permit grand prize claims to occur at locations other than the Lottery's offices, and permits the Director to require participation by a claimant in a press conference as part of the grand prize claim process.

16) Information and questions regarding these adopted amendments should be directed to:

Lisa A. Crites, Rules Coordinator
Illinois Department of the Lottery
201 East Madison Street
Springfield, Illinois 62702
217/524-5253

The full text of the Adopted Amendments begins on the next page:

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE C: LOTTERY
CHAPTER II: DEPARTMENT OF THE LOTTERY

PART 1770
LOTTERY (GENERAL)

Section	
1770.10	Definitions
1770.20	Selection of Lottery Sales Agents; License Application and Fee; On-Line Status
1770.30	Special Licenses
1770.40	License Revocation Without Prior Notice
1770.50	License Revocation, Suspension, Non-Renewal or Denial With Prior Notice
1770.60	Conditions of Licensing
1770.70	License to be Displayed
1770.80	Change of Name, Ownership, or Form of Business Organization
1770.90	Delinquent Financial Obligations
1770.100	Bonding of Agents
1770.110	License Expiration and Renewal
1770.120	Agent Financial Adjustments
1770.130	Lost, Stolen, and Damaged Winning Tickets and other Discrepancies
1770.140	Sales by Department Directly
1770.150	Sales, Inspection, Compensation, and Ticket Purchases
1770.160	Lottery Tickets
1770.170	Lottery Games
1770.180	Drawings
1770.190	Prize Payment, Claiming of Prizes and Transfers to Common School Fund
1770.200	Eligibility to Buy
1770.210	Sale of Promotional Items
1770.220	Priority of Rules

AUTHORITY: Implementing and authorized by Sections 7.1 and 7.2 of the Illinois Lottery Law [20 ILCS 1605/7.1 and 7.2] and Executive Order 86-2, effective July 1, 1986.

SOURCE: Filed by the Lottery Control Board July 11, 1974; amended at 2 Ill. Reg. 17, p. 130, effective April 1, 1978; amended at 4 Ill. Reg. 15, p. 201, effective March 30, 1980; codified as 11 Ill. Adm. Code 1670 at 5 Ill. Reg. 10713; transferred from 11 Ill. Adm. Code 1670 (Lottery Control Board) to 11 Ill. Adm. Code 1770 (Department of the Lottery) pursuant to Executive Order 86-2, effective July 1, 1986, at 11 Ill. Reg. 1582; Part repealed, new Part adopted at 13 Ill. Reg. 7908, effective May 16, 1989; amended at 17 Ill. Reg. 18816, effective October 19, 1993; amended at 18 Ill. Reg. 13439, effective August 23, 1994; amended at 19 Ill. Reg. 6810, effective May 8, 1995; amended at 20 Ill. Reg. 15039, effective November 6, 1996; emergency amendment at 22

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Ill. Reg. 1964, effective January 15, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 9307, effective May 15, 1998; amended at 22 Ill. Reg. 9329, effective DEC 14 1998.

Section 1770.10 Definitions

Terms defined in the Act have the same meanings when used in this Part. The following words and terms when used in this Part shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means the Illinois Lottery Law [20 ILCS 1605].

"Agent" or "Sales Agent" or "Distributor" means a person and his representative who has been licensed to distribute and/or sell Lottery tickets under Sections 9.8, 10 and 10.1 of the Act.

"Applicant" means a person who has applied to the Director for a license to sell lottery tickets to the public.

"Board" means the Lottery Control Board as established by Section 6 of the Act.

"Chairman" means the Chairman of the Lottery Control Board.

"Claim" means to present a purported winning Illinois Lottery ticket to a licensed Lottery Agent or a Lottery regional or administrative office for payment. "Claim" shall additionally mean the process of completing an Illinois Lottery claim form or other documentation as required by this Part. The amount of a prize claim is determined by deducting the amount of the wager from the verified prize amount.

"Claimant" means a person, as defined in this Section, who presents a winning lottery ticket to a licensed Lottery Agent or a Lottery regional or administrative office for the purpose of receiving a Prize.

"Department" means the Illinois Department of the Lottery.

"Director" means the Director of the Department of Lottery.

"Employee of the Department" means an employee of the Department of the Lottery.

"Game" means any individual or particular type of lottery authorized by the Department.

"License" means a license, issued by the Director pursuant to Section 9 of the Act, under the authority of the Act, for an agent to sell

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lottery tickets to the public. Licenses shall be effective for an initial period of two years from the date issued by the Department's Licensing Unit. Each license thereafter approved for renewal by the Department will be renewed for a two-year term dated from the date of expiration of the initial or last prior renewal term, as may be appropriate.

"Licensed Agent" or "Lottery Sales Agent" or "Licensed Sales Agent" means a person permitted by a license issued by the Director under the authority of Sections 9.d, 10 and 10.1 of the Act to sell Illinois State Lottery tickets to the public, by an across-the-counter transaction at a specified Point of Sale at a specifically licensed location.

"Lottery" or "State Lottery" means the Lottery established and operated pursuant to the Act.

"On-line status" means the ability of an agent to sell computer-generated Lottery game tickets or shares through a terminal connected to a Lottery central system.

"Person", when used in reference to a sales agent's license, shall be construed to mean and include an individual, association, partnership, corporation, limited liability company or partnership, club, trust, estate, society, company, joint stock company, receiver, trustee, referee, or any other person acting in a fiduciary or representative capacity, who is appointed by a court, or any other combination of individuals. "Person" includes any department, commission, agency or instrumentality of the State, including the Department of the Lottery, and also including any county, city, village, or township and any agency and instrumentality thereof.

"Person", when used in the context of a prize claim, shall be construed to mean and include an individual; a group of individuals; a partnership or club; a limited partnership, if registered prior to the date the prize was won; a corporation, if incorporated prior to the date the prize was won; a limited liability company, if registered prior to the date the prize was won; a revocable living trust, provided the prize win "r" is the initial trustee; an irrevocable trust, if the trust agreement it was executed prior to the date the prize was won, and provided all beneficiaries of the trust are named therein; a charitable organization, if registered prior to the date the prize was won; an estate; or a governmental entity other than the Department of the Lottery. Prize claims by any such "persons" are subject to eligibility requirements set forth in the Act, this Part, or game rules.

"Point of Sale" means the physical location where a licensed agent is

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authorized to conduct the sale of lottery tickets to the public.

"Prize" means any award, financial or otherwise, awarded to a ticket holder pursuant to the rules of the lottery.

"Related terminal" means any player activated machine or any agent operated terminal in which an owner of an agent location has 50% or greater interest.

"Secretary" means the Secretary of the Lottery Control Board.

"Service" means the mailing of any notice required by the Act or this Part by certified mail, return receipt requested. Service shall be deemed complete if the notice is returned undelivered or unclaimed when mailed, postage prepaid, to the intended recipient's last known address as disclosed in the Department's records, or if 30 days have elapsed from the date of mailing to such address with no return of the item.

"Special License" means a license issued by the Director limited in geographic scope and/or duration of validity, pursuant to Section 1770.30 of this Part.

"State Lottery Fund" means the special fund created in the State Treasury by Section 20 of the Act, in which all revenues received by the State Lottery, as defined and limited by Section 20 of the Act, are deposited.

"Ticket" means a lottery ticket or share issued by the Department for sale to the general public.

(Source: Amended at 22 Ill. Reg. 22298, effective DEC 14 1998)

Section 1770.90 Delinquent Financial Obligations

a) It is the obligation of each Lottery sales agent to remain current on his or her financial obligations to the Department. Lottery accounts are due and owing, in full, on each settlement day designated by the Department. Settlement of on-line terminal agent ticket accounts will be on a weekly basis, and settlement of instant game ticket accounts will be as scheduled by the Department. Accounts not settled on designated settlement days shall be deemed delinquent. Serious or repeated delinquencies may result in the suspension or revocation of a Lottery sales agent's license or the deactivation of the Lottery sales agent's on-line terminal. In the event the Department determines that a delinquency exists as a result of failure of an agent to segregate Lottery funds from other funds or as a result of commingling of

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Lottery funds or other assets so that the funds and assets of the Department, held in trust by an agent, cannot be identified and surrendered upon demand by the Department or its authorized collection representative, the Department shall revoke the license without notice or prior hearing, as provided in Section 1770.40(a)(4) of this Part. Lesser delinquent financial obligations will be processed pursuant to the provisions of subsections (b) and (c) of this Section.

b) In the event an agent, authorized to sell only instant products, is delinquent with respect to settlement of his or her account, and the delinquency is the first or second such delinquency within the past twelve months, inclusive of the month of the current delinquency, the collector will establish an extended collection deadline of 4:00 p.m. on the collection day, for a morning delinquency, and 10:00 a.m. the following business day for an afternoon delinquency. A delinquent agent will be charged with each such delinquency provided, however, that an agent delinquent with respect to a settlement envelope, but timely in payment, will be charged with only one-half of a delinquency. There will be no sanctions imposed with respect to the first two such delinquencies within a twelve-month period, unless both delinquencies occur within a 30-day period. Upon the third such delinquency, or the second of two delinquencies in a 30-day period, the Department or its collection agent shall notify the licensee that it will be under review by Department management for possible license revocation. During the period of review, no new instant tickets will be delivered to the agent. If the Department determines that the delinquencies, or any of them, were reasonably justified due to circumstances beyond control of the agent, the Department will reinstate the agent. Thereafter, any subsequent delinquency which, when taken with other delinquencies within the immediate past twelve calendar month period totals three delinquencies, or two delinquencies within a 30-day period, shall require additional review by the Department. If, upon any such review, the Department determines that the delinquencies are not reasonably justified by the agent the Department may proceed with notification of termination in accordance with the procedures set forth in subsection (d) of this Section.

c) The Department will apply sanctions with respect to delinquent on-line agent accounts according to the following schedule of sanctions:

1) First delinquency: In the event an agent is delinquent in settlement of his or her Lottery account, and the delinquency is the first within the past twelve months, inclusive of the month of delinquency, the agent will deliver the settlement envelope to the Department's District Office or designated courier service and/or deliver correct payment to the Department's District Office or wire transfer the funds to the Department's account by 4:00 p.m. if delinquency was before noon (12:00 p.m.); if after noon (12:00 p.m.) the deadline is 10:00 a.m. the next working day. If the current week's settlement which was due on settlement date is paid by the extended settlement deadline, the

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agent will be charged with one delinquency (one-half of a delinquency if the payment was timely but the settlement envelope was delinquent as described in subsection (b) above) but will receive no further sanction;

2) Second delinquency: In the event an agent is delinquent in settlement of his or her Lottery account or any extended payment deadline, and the delinquency is the second one in the past twelve months, inclusive of the month of the delinquency, the collector will promptly notify the Department of the delinquency, whereupon the delinquent agent's Lottery sales terminal and any related terminals will be immediately deactivated and the agent will be charged with a second delinquency. When settlement of the current week's account which was due on settlement date is paid to the Department's District Office or wire transferred to its account, the Lottery sales terminal and related terminals will be reactivated unless the second incident is within one month of the first. If this occurs, the sales terminal and any related terminals will be reactivated only after review and approval by the Deputy Director of Finance or Finance Division Administrative Assistant;

3) Subsequent delinquencies: In the event an agent is delinquent in settlement of his or her Lottery account or any extended payment deadline, and the delinquency is the third or more in the past twelve months, inclusive of the month of the delinquency, the collector will promptly notify the Department of the delinquency, whereupon the delinquent agent's Lottery sales terminal and any related terminals will be immediately deactivated and the agent will be charged with an additional delinquency. The following table sets forth the required payment and reactivation policy:

REQUIRED PAYMENT AMOUNT	TERMINAL REACTIVATION
THIRD:	
Current week's settlement	One business day after payment and after review and approval by Deputy Director of Finance, or Finance Division Administrative Assistant, or Chief Accountant
FOURTH:	
Current week's settlement	Two business days after payment and after consideration by Deputy Director

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of Finance, or
Finance Division
Administrative
Assistant,
or Chief Accountant

FIFTH:

Current week's settlement

Three business days
after payment and
after consideration
by Deputy Director
of Finance,
or Finance
Division Adminis-
trative Assistant,
or Chief Accountant

d) The Lottery may, upon written notification and with opportunity for hearing, revoke an agent's license after review of a delinquency, at any stage if the Director determines that termination is in the best interest of the Lottery. Such termination may be initiated without prior notice and opportunity for hearing when the Department's funds are not segregated and available for surrender or when accounts receivable exceed allowable limits as provided in Section 1770.40 of this Part. An evaluation of the circumstances surrounding delinquency, including a review of a delinquent agent's past delinquency record will be conducted to differentiate between incidental agent management error and lack of financial stability or responsibility.

e) It is the responsibility of the licensed sales agent to insure that all payments due the Department are properly prepared. Failure to properly prepare and tender any payment due the Department shall not be an excuse for failure to fulfill obligations due the State Lottery.

f) The deactivation or removal of an on-line terminal, or the suspension or revocation of the license of a Lottery sales agent shall not relieve the Lottery sales agent of liability for any obligation due the Department.

(Source: Amended at 22 Ill. Reg. 22298, effective DEC 14 1998)

Section 1770.120 Agent Financial Adjustments

a) Whenever instant tickets are lost, stolen or destroyed while in the possession of a Lottery agent or distributor, or while in transit to, from or between the Department and the agent or distributor, the Department may provide for full or partial credit against the

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settlement due the Department from an agent for lost or destroyed non-winning tickets, mid-tier tickets authorized prior to the loss, and mid-tier tickets properly reported as lost or destroyed and therefore unable to be redeemed. Each such claim for credit shall be accompanied by an affidavit, an incident report and a police or fire report, as appropriate, and/or such other supplementary documentation as the Director may deem necessary to proper validation of the loss.

b) Whenever an agent pays a prize with a claimed value in excess of the amount permitted by Section 1770.190(b) of this Part and seeks reimbursement for the full amount paid, the agent must submit:

- 1) a written explanation of the circumstances surrounding the prize payment;
- 2) the winning ticket or, if the ticket has been destroyed, a written explanation of the circumstances surrounding the ticket's destruction;
- 3) a claim form completed in the agent's name and taxpayer identification number; and
- 4) such other documentation as may be requested by the Deputy Director for Finance and General Counsel.

The Deputy Director for Finance and General Counsel will review the documentation provided in conjunction with Department records and, if satisfied that an honest error occurred, such an error is not likely to occur again, and that the original holder of the winning ticket was paid the full amount due for the winning ticket, may jointly recommend that the agent be reimbursed up to the full prize amount paid. If necessary in order to ensure that no other person has legal claim to the prize, the Deputy Director for Finance and General Counsel may withhold reimbursement to the agent until the pertinent prize claim period has expired.

(Source: Amended at 22 Ill. Reg. 22298, effective DEC 14 1998)

Section 1770.150 Sales, Inspection, Compensation, and Ticket Purchases

a) Except as provided in Section 1770.140 of this Part, tickets shall be sold only to purchasers physically present on the premises at the specific location named in the license.

b) All ticket sales shall be final, and no agent is authorized to accept ticket returns except as otherwise provided in this Part or with the specific approval of the Director.

c) Authorized inspectors of the Department may inspect the business premises of any agent at any time during normal business hours. Such inspections may be made without prior notice to the agent.

d) An agent is entitled to a commission for tickets sold by the agent at such rate or rates as are established by the Director. Each licensed agent shall be entitled to such bonus or bonuses to be awarded with respect to a winning ticket sold by the agent as may be established by

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- the Director with respect to each particular lottery game.
- e) The Director may award additional cash bonuses or other incentives from time to time to sales agents. Agents shall be notified of any such bonuses or incentives by means of an agent newsletter or such other similar agent circular as may be distributed by the Department.
- f) Each agent shall deposit to a Lottery Trust Fund Account in a bank, or otherwise return to the Department in the manner prescribed by directive, all monies received by the agent from the sale of tickets less the amount of commission and such sums of money paid out by the agent to winners of prizes (lottery proceeds) which must be separate and apart from other business or personal funds and must be segregated as a trust fund on behalf of the Lottery. The agent shall file with the Department, or its designated representatives, reports of receipts, sales, payment to winners and related transactions in such form and containing such information as the Department may require by directive. Any discrepancies in such receipts and transactions are to be resolved as provided in the reporting directives.
- g) All game tickets accepted by an agent remain the property of the Lottery until the tickets are sold and the proceeds remitted to the Lottery. Any unsold tickets not returned to the Lottery upon demand shall be considered purchased by the agent and the purchase price of the tickets, less appropriate deductions, shall be immediately due and payable to the Lottery. The agent is responsible for lost, stolen or missing tickets not returned, except as provided in Section 1770.120(a) of this Part. All tickets accepted by an agent from the Department or its authorized representatives are the property of the Lottery until sold and deemed to have been purchased by the agent unless returned to a representative of the Lottery within the time specified by the Department and the purchase price paid to the State less the appropriate deductions. The agent is responsible for lost, stolen or missing tickets not returned.

(Source: Amended at 22 Ill. Reg. **22298**, effective

DEC 14 1990)

Section 1770.190 Prize Payment, Claiming of Prizes and Transfers to Common School Fund

- a) The prize structure may vary with each game and will be established at the beginning of the game by the Director. The prize structure, odds of winning, the manner in which winners are determined, the claim period for the game and various procedural matters will be set forth in game rules and play instructions.
- b) A prize of less than \$600 may be claimed by submitting the winning Lottery ticket to a Lottery agent location which sells the type of game won, and may be paid by the Lottery agent directly from Lottery ticket sales funds on hand after the agent follows verification procedures which establish that the ticket is a winning ticket,

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- examines the ticket for alteration, verifies that the prize claim period has not expired, and requests proof of age from the claimant if appropriate. However, when a winning ticket is presented for payment at an agent location after the expiration of any agent claim period established in game rules, the value of the winning ticket is \$600 or more, or the Department's verification procedures require, the agent shall follow the claim procedures set forth in subsection (c) below.
- c) Prizes of up to \$25,000, claimed by an individual or in the name and under the taxpayer identification number of a partnership or other artificial person, may be paid by Lottery regional or administrative offices, subject to established claim periods, procedures and validation tests. All claims for prizes of more than \$25,000, as well as claims for lesser prizes not paid by Lottery regional offices, administrative offices or by an agent pursuant to subsection (b) of this Section, must be paid centrally by the Department. Claimants may obtain claim forms from any lottery ticket sales agent, any departmental regional office, or the Department's administrative offices in Chicago or Springfield, Illinois. When initiating a claim at any of the aforesaid locations, a claimant shall complete the name and address area on the reverse of the ticket, and present proof of identification and the winning ticket. The agent or Department employee, as applicable, will assist the claimant in filling out the claim form which will be signed by the agent or employee and by the claimant or his or her authorized representative. The claimant or authorized representative will receive a copy of the claim form as a receipt. The winning ticket and a copy of the claim form will be sent to the Department's central offices in Springfield, Illinois, for verification. When the ticket is verified as a winning ticket, the prize will be mailed to the claimant. Prizes in the amount of \$1,000,000 or more may be claimed only at the Department's administrative offices in Springfield and Chicago, or alternate site mutually agreed to by the Department and the claimant, and absent extenuating circumstances, only by appointment so that appropriate Department personnel are available to assist in the claim process. The Director may require claimants of \$1,000,000 or more to participate in a press conference as part of the claim process, in order to assure the public that prizes are being awarded and maintain public trust in the Lottery. For purposes of press conference requirements, the claimants are the ultimate recipients of the prize, such as the beneficiaries of a trust, the partners in a partnership, or the members of a club or group.
- d) Prizes of less than \$600 claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, shall be claimed in the individual name of one of the partners or members of the group. Payment of any claim filed on behalf of such an individual group member shall be in the same manner as if filed on behalf of a single claimant.
- e) Prizes of \$600 up to \$1,000,000 claimed by multiple winners playing as

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partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, may be claimed in the individual name of one of the partners or members of the group. Any claim filed on behalf of such an individual group member shall be filed in the same manner as if filed on behalf of a single claimant, but must be accompanied by a form 5754 setting forth the names, addresses, social security numbers and prize shares of all other persons entitled to a share of the prize. The Department will process a voucher payable to each individual listed on the form 5754, dividing the winnings equally, or as otherwise designated on the form 5754. The Department will then process payment vouchers to the office of the Comptroller for preparation of warrants and end of year income tax withholding documents. Claim and payment may be made in a partnership name only if the partnership furnishes a Federal Employer's Identification Number (FEIN).

f) Prizes in the amount of \$1,000,000 or more claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, must be claimed in a partnership or group name. Payment will be made out to a partnership as a single payee, or to each of the individual partners or group members, as requested in writing by the winners and provided that each individual's gross annual payment will equal or exceed \$5,000. Partnership claims shall include the name, address and (if one check is requested) Federal Employer's Identification Number of the partnership, the ticket and claim form must be signed by one of the general partners on behalf of the partnership, and the claim form must be accompanied by a form 5754 setting forth the names, addresses, social security numbers and prize shares of each partner. Prior to payment, the partnership must submit a written partnership agreement evidencing, at a minimum, that an oral agreement for group play existed prior to the purchase of the winning lottery ticket. The partnership agreement shall be subject to review by the Department's legal staff, and may not contain provisions contrary to law. Where separate checks have been requested, the partnership must additionally furnish payment instructions for each partner. Group claims shall include a group name and the address and Social Security Number of the representative signing the ticket and claim form, and be accompanied by a form 5754 setting forth the names, addresses, Social Security Numbers and prize shares of all group members. A group play agreement may additionally be required. Claims by other entities such as corporations or trusts must be in the name of the entity as established prior to ticket purchase, provide the taxpayer identification number of the entity and be signed by an authorized representative. Payment will be in the name and under the taxpayer identification number of the claiming entity.

g) Lottery clubs, charitable organizations, corporations, partnerships and other "artificial" persons shall be eligible to purchase lottery tickets. However, with respect to awards of prizes for life, such

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"artificial" persons shall be entitled to the minimum guaranteed prize. Prizes claimed but unpaid at the time of a prize winner's death shall be treated as follows:

- h)
 - 1) Any prize, or portion thereof remaining unpaid at the death of a winner, may be paid to the estate of such deceased prize winner, or to the designated trustee under a revocable living trust established by the deceased prize winner, as settlor, provided that a copy of such trust has been filed with the Department, along with a notarized letter of direction from the settlor, and no written notice of revocation has been received by the Department prior to the settlor's death. Following such a settlor's death and prior to any payment to such a successor trustee, the Director shall obtain from the trustee and each trust beneficiary a written agreement to indemnify and hold the Department harmless with respect to any claims that may be asserted against the Department arising from payment to, or through the trust.

- 2) The payment of prize installments due with respect to a prize winner whose death occurs prior to payment of the final installment may be accelerated under certain circumstances. At the election of the estate or successor trustee of an individual prize claimant, the estate or trustee may have the option to request, within six months from the date of death, that the annuity or equivalent investment securities procured by the Department for purposes of generating annual installment prize payments be liquidated at current market value and paid over to the personal representative of the estate or beneficiary successor trustee, as appropriate. In the case of a prize claimed by a partnership or group, the right to request liquidation of the decedent's remaining prize may be available to the decedent's personal representative or successor trustee, but only if the decedent is entitled to receive one-third or more of the claimed prize. Upon receipt of notice of election to liquidate the remaining prize, if the prize payment has been structured through purchase of an annuity and the annuity contract permits early liquidation, the Department shall promptly notify the annuity company and request that the annuity be liquidated and the commuted (check) value be paid to the personal representative or successor trustee. If the Department has procured investment securities to generate income for satisfaction of future prize installments, the Department, as soon as practicable after such notification, and without jeopardy to the common investment position of securities purchased in connection with payment of future installments to other winners of Grand Prizes from the same drawing date as decedent, shall offer such securities for market sale and shall pay the personal representative or successor trustee the proceeds of sales

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attributable to decedent's prize. Prior to such distribution, the Department shall deduct from the proceeds of sales such sum as may be required to absorb from the share of the party requesting liquidation, any penalties or losses incidental to sale, and to restore the investment position of securities purchased with respect to any other same-date winners to the position held prior to liquidation. The balance of the proceeds of sale attributable to decedent's prize shall be distributed.

Prior to authorizing accelerated liquidation of any prize, the Department shall obtain from each personal representative or successor trustee requesting such liquidation a complete release of any further liability of the Department for further payment with respect to the decedent's prize upon liquidation as provided herein, and the Department in liquidating the investment vehicle for any such prize shall be discharged of any further liability with respect to such prize beyond the amount actually realized through liquidation. Any election pursuant to this subsection must be in writing and shall be irrevocable.

3) No right to accelerate installment payments shall accrue to the estate of a prize for life winner when the guaranteed minimum payment has not yet been paid. Rather, installment payments shall continue until the guaranteed minimum prize has been paid.

4) Cash prizes must be claimed within a claim period set by Departmental directive and the game rules establishing claim periods for the respective games offered by the Department. Unclaimed prize money shall be retained by the Director for the person entitled thereto, for the claim period after the date of the drawing in which the prize is won, as established by game rule. Thereafter, said unclaimed prize funds will be managed as provided in statute.

5) Winning tickets which provide entry into a Preliminary Grand Prize drawing for any instant game must be filed with the Department by the deadline established in the game rules. Entry tickets filed after the Preliminary Grand Prize qualification drawing for the game with respect to which the tickets were sold will be entered into the Preliminary Grand Prize Drawing pool for the next game drawing subsequent to filing of such tickets, provided that no such ticket will be eligible for entry into a subsequent drawing unless filed with the Department, within 120 days after the announced end of the game for which the ticket was originally sold, provided, however, that the Director may establish lesser claim periods for specific games by directive and game rule.

6) For prizes in excess of \$10,000, a winner must identify his or her place of employment, if any, to ensure the winner is not prohibited from lottery play by the Act or these rules. For partnership claims, each partner must furnish employment information.

7) The net revenues accruing from the sale of lottery tickets shall be determined by deducting from total revenues the payments of prizes to holders of winning tickets and payment of costs incurred in the

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operation and administration of the Department. The Department may transfer income in excess of current operating needs to the Common School Fund.

(Source: Amended at 22 Ill. Reg. 202.2.0, effective
October 1, 1998)

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1) Heading of the Part: The Illinois Oil and Gas Act

2) Code Citation: 62 Ill. Adm. Code 240

3) Section Numbers: Adopted Action:

240.10	Amend
240.250	Amend
240.251	Amend
240.255	Amend
240.310	Amend
240.311	New
240.312	New
240.340	Amend
240.360	Amend
240.380	Amend
240.385	Amend
240.540	Amend
240.820	Amend
240.840	Amend
240.850	Amend
240.860	Amend
240.861	Amend
240.870	Amend
240.875	New
240.880	Amend
240.905	Amend
240.926	Amend
240.1130	Amend
240.1131	Amend
240.1400	Amend
240.1410	Amend
240.1420	Amend
240.1425	New
240.1430	Amend
240.1440	Amend
240.1460	Amend
240.1465	New
240.1470	Amend
240.1480	Amend
240.1485	New
240.1490	Amend
240.1500	Amend
240.1510	Amend
240.1520	Amend
240.1700	Amend
240.1720	Amend
240.1730	Amend

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4) Statutory Authority: Implementing and authorized by Section 6 of the Illinois Oil and Gas Act [225 ILCS 725/6].

5) Effective Date of Amendments: December 14, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal published in Illinois Register: 22 Ill. Reg. 11301 (July 6, 1998) and 22 Ill. Reg. 14000 (July 24, 1998 Notice of Correction)

10) Has JCAR issued a Statement of Objection to these rules? No

11) Difference(s) between proposal and final version:

a) In the Table of Contents, "240.155 Civil Complaint" has been added; 240.180, "and Enforcement Cessation Orders" has been added at the end of sentence; "240.185 Cessation of Operations" has been added; "240.190", "Hearings" has been added at the end of sentence; "240.250" "or Operate" has been added at the end of sentence; "240.312", "Approved" has been deleted; "SUBPART I", "AND SPILL RELATED WASTE" has been added after "DISPOSAL"

b) In Section 240.10, the definition of "Injection Well", "Enhanced Oil Recovery Injection Well or Disposal Well." has been changed to lowercase letters.

c) In Section 240.250(b)(3), a comma has been added after the word "partner"; and "which" has been changed to "that"; in subsection (b)(6), a semicolon has been added after the word "fees" in the first sentence; and "; or" has been added in the third sentence after the word "fees".

d) In Section 240.255, "which" has been changed to "that"; in subsection (b)(2), "January 1, 1998 and is pending" has been deleted and replaced with "February 1, 1998 and USEPA Region V has completed a technical review, determined that the application meets the relevant criteria and intends to put the application forward for final"; in subsection (b)(2) and (3), "U.S. Environmental Protection Agency" has been changed to "USEPA"; and "C.F.R." has been changed to "CFR".

e) In Section 240.311(b), "Code of Federal Regulation Title 40 Part 146.4" has been changed to "40 CFR 146.4"; in subsection (b)(2), the

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word "Either:" has been added at the beginning of the sentence and the new text has been restructured; in new subsection (b)(2)(ii), "which" has been changed to "that"

- f) In Section 240.312, "Approved" has been deleted; in subsection (d)(6), a new subsection (e) has been added as follows:

"e) The following aquifers are the subject of completed applications and meet the criteria of 240.310(b)(2).

- 1) Hersher system located in portions of Kankakee, Ford and Iroquois Counties consisting of:

A) Township 30 North, Range 9 East, Sections 12, 13, 23, 24, 25, 26, 35 and 36;

B) Township 30 North, Range 10 East, Sections 7, 8, 14-23 and 26-35;

C) Township 29 North, Range 9 East, Sections 1, 2 and 12; and

D) Township 29 North, Range 10 East, Sections 2-11 and 15-18.

- 2) Colmar-Plymouth pool located in McDonough and Hancock Counties and consisting of:

A) Township 4 North, Range 4 West, McDonough County:

i) S/2 S/2 NE/4 and SE/4 SE/4 NW/4 and E/2 SW/4 and SE/4 of Section 9; and

ii) S/2 S/2 NW/4 and SE/4 and SW/4 of Section 10; and

iii) NW/4 SE/4 and N/2 SW/4 and S/2 NW/4 of Section 14; and

iv) N/2 SE/4 and NE/4 and NW/4 of Section 15; and

v) all of Section 16; and

vi) S/2 and S/2 N/2 of Section 17; and

vii) S/2 and NE/4 and S/2 NW/4 of Section 18; and

viii) all of Section 19; and

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- ix) N/2 and N/2 SE/4 and N/2 SW/4 and SW/4 SW/4 of Section 20; and

x) N/2 and N/2 S/2 of Section 21; and

- xi) N/2 N/2 and SW/4 NE/4 and SE/4 NW/4 of Section 30.

B) Township 4 North, Range 5 West, Hancock County.

i) SW/4 and S/2 NE/4 and E/2 SW/4 of Section 23; and

ii) S/2 NW/4 and S/2 NE/4 and NE/4 NE/4 and SE/4 and SW/4 of Section 24; and

iii) NW/4 and N/2 NE/4 and SW/4 NE/4 of Section 26."

- g) In Section 240.385, "which" has been changed to "that".

h) In Section 240.540(a), "below only" has been changed to "of this Section".

- i) In Section 240.820(a)(2), "Either:" has been added and the existing text has been restructured to "(A)" and "(B)"; in subsection (b), "which" has been changed to "that"; in subsection (c), "above" has been changed to "of this Section".

- j) Section 240.850 has been inserted into this rulemaking as follows:

"Section 240.850 Concrete Storage Structures

a) The requirements of this Section apply to:

- 1) All concrete storage structures existing on July 1, 1995 which will continue to be used.

- 2) Any new concrete storage structures constructed after May 13, 1994.

b) Definitions

"Concrete Storage Structure", as used in this Section, is a formed concrete impoundment, the base of which is at or below ground level, used for temporary storage of liquid oilfield waste or produced water prior to disposal.

"Existing Concrete Storage Structure" means a concrete storage structure constructed prior to May 13, 1994.

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"New Concrete Storage Structure" means a concrete storage structure permitted and constructed after May 13, 1994.

c) Concrete Storage Structure Permitting Procedures

All new concrete storage structures constructed after May 13, 1994 are required to be permitted and may not be used until the permit is issued. All existing concrete storage structures constructed prior to May 13, 1994 must be permitted by July 1, 1995 or restored in accordance with subsection (e) below. The permittee shall apply for a permit on a form prescribed by the Department which shall include the following:

- 1) A map drawn to scale showing the location of the concrete storage structure relative to the lease boundaries, potable water wells and local surface drainage located within 1/4 mile of the proposed structure.
- 2) Concrete storage structure dimensions.
- 3) Soil types in the area of concrete storage structure construction.
- 4) Chemical analysis of produced water to be temporarily stored in the concrete storage structure showing TDS and chlorides.
- 5) A description of the method for disposal of the produced water or liquid oilfield waste temporarily stored in the concrete storage structure.

d) General Location and Construction Requirements for New and Existing Concrete Storage Structures

1) New concrete storage structures shall not be located:

- A) within two hundred (200) feet of an existing inhabited structure, unless the current owner of the structure has provided a written waiver consenting to the construction closer than two hundred (200) feet. Any concrete storage structure located closer than two hundred (200) feet shall be completely fenced to prevent unauthorized access;
- B) within two hundred (200) feet of a domestic water supply well or twenty-five hundred (2,500) feet of a municipal water supply well;
- C) within two hundred (200) feet of a stream, body of

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water, or marshy land, unless the permittee can demonstrate to the Department that construction standards or topography will prevent discharge from the concrete storage structure;

- D) in an area which is subject to annual flooding by streams, rivers, lakes, or drainage ditches.
- 2) Existing concrete storage structures shall be completely fenced to prevent unauthorized access when located, at the time of permitting, within 200 feet of an existing inhabited structure.
- 3) Surface water drainage shall be diverted away from all concrete storage structures.
- 4) Contents from any concrete storage structure shall not be discharged onto the surrounding land surface or into a stream or other body of water unless a permit has been obtained from the Illinois Environmental Protection Agency ("IEPA").
- 5) The concrete storage structure permit number and the name of the permittee must be posted at all concrete storage structures in a legible and visible manner.
- 6) All concrete storage structures shall be covered with bird netting or other system designed to keep birds and flying mammals from landing in the concrete storage structure.
- 7) New concrete storage structures shall be constructed utilizing standard engineering practices using formed concrete bottom and sides and be underlain by a drainage system constructed to allow the monitoring and sampling of fluids present under the structure. After installation of the concrete liner and prior to concrete storage structure use, the structure shall be inspected by a Department Well Inspector. The permittee shall correct damages or imperfections before placing liquid oilfield waste or produced water in the concrete storage structure. The fluid drainage from beneath the pit shall be sampled quarterly. The sample shall be analyzed for chlorides by an "independent testing" facility. The results of the analysis shall be maintained at the facility offices for review upon request, by the Department. If the fluid analysis indicates a leak is present, the Department shall be notified within five (5) days and the pit shall be drained and repaired.

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8) Existing concrete storage structures shall have been constructed utilizing standard engineering practices using formed concrete bottoms and sides. Existing concrete structures shall be exempt from the under structure drainage provision specified in (7) above for new structures. However, existing structures shall be subject to inspection and repair in accordance with Section 240.850 (f) of this Subpart.

9) Puncturing or perforating the concrete liner or installing any type of drainage system which penetrates the sides or bottom of any structure is prohibited.

e) Concrete Storage Structure Abandonment and Restoration

1) Prior to removal and or burial of the concrete storage structure:

A) All of the liquid oilfield waste shall be removed and disposed of in a Class II UIC well.

B) Crude oil bottom sediments shall be disposed of in accordance with Section 240.940 (a) and (b) of this Part or with Department approval, disposed in a production well equipped with tubing and packer set in accordance with Section 240.760(b) under observation by an inspector from the District Office in which the well is located. If the Department determines through field observations that the disposal activities are endangering the freshwater, the disposal activities shall cease until the condition is corrected. Disposal activities shall not exceed 45 days after which time the well must be plugged.

C) For new and existing concrete storage structures permitted in accordance with this Subpart and restored after July 1, 1995 the pit residue, not disposed in accordance with subsection (e)(1)(A) or (B) above, shall be removed from the site storage structure and disposed of at an Illinois Environmental Protection Agency permitted non-hazardous special waste landfill provided that concrete storage structures residue containing NORM may be required to be disposed of at a waste facility permitted by the Illinois Department of Nuclear Safety.

D) For existing concrete storage structures not permitted for continued use in accordance with this Subpart by

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July 1, 1995, and required to be restored, or permitted existing pits restored by July 1, 1995, the pit residue can be buried on site within the concrete structure.

2) If the base of the structure is less than three (3) feet below the ground surface, the structure must be completely dismantled and removed from the site. The surface area shall be leveled and restored in such a manner as to prevent the ponding of water and erosion.

3) If any portion of the structure is below the ground surface, the portion of the structure within three (3) feet of the surrounding surface shall be removed. Any remaining structure must be configured to prevent the accumulation of water within the remaining structure and backfilled to prevent surface ponding and subsidence.

f) Inspection of Concrete Storage Structure All new and existing concrete storage structures shall be subject to inspection by a Department Well Inspector. If requested at time of the inspection, the concrete storage structure shall be emptied in order to examine the integrity. The Department may order any remedial work it deems necessary to ensure compliance with Department regulations.

(Source: Amended at Ill. Reg. 22314, effective DEC 14 1998)

k) In Section 240.860(e)(2), "or with Department approval, disposed in a production well equipped with tubing and packer set in accordance with Section 240.760(b) under observation by an inspector from the District Office in which the well is located. If the Department determines through field observations that the disposal activities are endangering the freshwater, the disposal activities shall cease until the condition is corrected. Disposal activities shall not exceed 45 days after which time the well must be plugged." has been underlined as new language.; in subsection (e)(3), "or (e)(2)" has been added after "with (e)(1)"; subsection (e)(3)(C) has been renumbered to "(4)".

l) In Section 240.861(k)(1)(B), "of this Part" has been stricken and replaced with "or with Department approval, disposed of in a production well equipped with tubing and packer set in accordance with Section 240.760(b) under observation by an inspector from the District Office in which the well is located. If the Department determines through field observations that the disposal activities are endangering the freshwater, the disposal activities shall cease until the condition is corrected. Disposal activities shall not exceed 45

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days after which time the well must be plugged."; in subsection (k)(1)(C), ", not disposed of in accordance with (k)(1)(A) or (B) above" has been added after "pit residue".

m) In Section 240.870, "freshwater" is one word; "permittee" has been changed to "permittee".

n) In Section 240.875, "fresh water" is changed to "freshwater"; "Permittee" has been changed to "permittee"; "can not" has been changed to "cannot".

o) In Section 240.880(d), "subsections" has been changed to "subsection".

p) In SUBPART I, "AND SPILL RELATED WASTE" has been inserted after the word "DISPOSAL".

q) In Section 240.1130(c)(3), "subsection" has been added before "(b)" and "above" has been changed to "of this Section"; subsection (c)(4), "subsection" has been changed to "subsections"; in subsection (d), "which" has been changed to "that"; subsection (e), "above" has been changed to "of this Section"; subsection (g), "above" has been changed to "of this Section"; subsection (i) "above" has been changed to "of this Section"; "persons or permittees" has been changed to "person's or permittee's".

r) In Section 240.1131(a), "which" has been changed to "that"; subsection (b)(3), "and" has been added at the end of the sentence; subsection (i), "above" has been changed to "of this Section".

s) In Section 240.1400(d), "base lease" has been changed to "Base Lease"; subsection (f), "Permittee" has been changed to "permittee" subsection (g), "which" has been changed to "that".

t) In Section 240.1410(a)(3), "Permittee" has been changed to "permittee".

u) In Section 240.1420(a), "within" has been stricken.

v) In Section 240.1430(a), "their" has been changed to "the permittee's".

w) In Section 240.1440(a), "[225 ILCS 725/14]" has been inserted at the end of the sentence.

x) In Section 240.1460(a), "to" has been inserted between "issued or"; subsection (f), "permittee" has been added after the word "current".

y) In Section 240.1465(a)(1), (2) and (3) have been restructured; subsection (4) has been changed to subsection (c); a new subsection

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(d) has been added to read as follows:

"d) If a well requested to be transferred has been active within the two year period immediately preceding the transfer request or accompanying assignment and no court order has been entered terminating the lease, the Department may transfer the well without payment of the above salvage orders..".

z) In Section 240.1480, "which may" has been changed to "that may".

aa) In Section 240.1490(a), "30 days of" has been changed to "30 days after"; subsection (a)(1)(A)(v), "thereof" has been stricken.

bb) In Section 240.1700(d), "because" has been inserted before "payment" and "for that fiscal year" has been moved after "repay fees".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending of this Part? No

15) Summary and Purpose of Amendment:

Section 240.10 has been amended to clearly define the types of wells that are to be classified as injection wells in accordance with federal regulations.

Section 240.250 has been amended to clarify prohibitions against permit issuance to persons or entities either in violation of the Illinois Oil and Gas Act or that are closely affiliated with persons or entities which have unabated violations of the Act.

Section 240.251 has been amended to achieve two objectives. First, the Department is granted discretion to decide whether permit revocation is an appropriate measure to ensure the protection of public interest in applicable situations. Secondly, the section is streamlined by deletion of duplicative provisions found elsewhere in the Rules, and by adding a direct reference to such other provisions.

Section 240.255 has been amended to clearly reflect the prohibition against conversion of production wells to livestock or domestic use water wells and to delineate exemption requirements from this prohibition based on the date jurisdiction transferred from the Department of Natural Resources to the Department of Public Health over such wells.

Section 240.310 has been amended to comply with federal statutes that

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prohibit production related injection activities into freshwater aquifers, and to specify requirements for securing aquifer injection exemptions.

Section 240.311 has been added to clearly establish application procedures for obtaining freshwater aquifer exemptions.

Section 240.312 has been added to identify freshwater aquifer exemptions within the State that have been approved by the U.S. Environmental Protection Agency.

Section 240.340 has been amended to clarify maximum injection pressure standards for wells with multiple injection zones.

Section 240.360 has been amended to impose a clear requirement that a State Well Inspector be present at all fluid level tests to ensure accurate verification of submitted data.

Section 240.380 has been amended to delete repetitive provisions found elsewhere in the Rules and to grant discretionary authority to the Department with respect to permit issuance and revocation.

Section 240.385 has been amended to clearly articulate the prohibition against conversion of Class II injection wells to livestock or domestic use water wells and to delineate exemption requirements from this prohibition based on the date jurisdiction transferred from the Department of Natural Resources to the Department of Public Health over such wells.

Section 240.540 has been amended to clarify jurisdictional parameters between on-site disposal of drilling fluid wastes governed by the Oil and Gas Rules and off-site disposal of such materials governed by rules promulgated by the Illinois IEPA.

Section 240.820 has been amended to implement standardized flowline construction requirements, thereby heightening environmental protection against crude oil and produced fluid spills.

Section 240.840 has been amended to clarify the necessity of obtaining permission of the current surface owner prior to storing equipment on a lease or unit, thus removing the ability of prior surface owners to obligate current owners to unwanted storage obligations.

Section 240.860 has been amended to accomplish three objectives. First, the types of wastes allowed to be disposed of into Class II wells are expressly limited to oilfield brine and produced waters. Secondly, a new disposal method is established for crude oil bottom sediments. Lastly, disposal mechanisms for pit residues and liners are clearly articulated.

Section 240.861 has been amended to clarify procedures for pit closures,

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obtaining exemptions for pit closures, and to establish pit reconstruction requirements.

Section 240.870 has been amended to expand the Department's powers to investigate leaking unpermitted drill holes, authorizes plugging responsibilities for such holes, and authorizes shut-in of injection wells within a specified distance of leaking unpermitted drill holes.

Section 240.880 has been amended to refine initial spill notification requirements for operators, thus enhancing the Department's ability to ensure that maximum remedial measures are applied to affected areas in a timely manner in order to offer the greatest post event environmental protection possible.

Section 240.875 has been added to establish plugging responsibility for previously plugged wells that subsequently leak.

Section 240.905 has been amended to accurately cite a Subpart reference.

Section 240.926 has been amended to simplify criteria pertaining to issuance or revocation of Liquid Oilfield Waste Transportation and Vehicle Permits by deleting unnecessary provisions referred to elsewhere in the Rules.

Section 240.1130 has been amended to clarify temporary abandonment procedures currently used by the Department for Class II injection wells, and to insert appropriate standardized terminology.

Section 240.1131 has been amended to clarify temporary abandonment procedures currently used by the Department for production wells, to insert appropriate standardized terminology, and to revise hearing rules pertaining to denials of requests for Future Use status.

Section 240.1400 has been amended to accomplish four objectives. First, a definition of "Proposed New Permittee" is newly added. Next, criteria is precisely defined to distinguish new permittees that will not need bonds to operate from new permittees who will need such bonds prior to commencement of operations. Third, a deletion is made to remove reference to the Department of Mines and Minerals. Finally, a definition of PRF wells is newly added to clearly identify those wells addressed in recently enacted legislation (P.A. 90-260) that expanded the Department's disposal authority.

Section 240.1410 has been amended to clearly indicate that transfers of PRF wells are subject to provisions of this Subpart.

Section 240.1420 has been amended to clarify notification requirements relative to well transfers, and to establish requirements for operating

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wells during the transfer process.

Section 240.1425 has been added to impose specific identification and signature requirements pertaining to transfer notifications.

Section 240.1430 has been amended to remove a previous exemption from the well transfer notification requirements, exclude current permittees from such notification requirements, and authorizes the Department to request copies of pertinent documents prior to approving well transfers.

Section 240.1440 has been amended to implement the fee schedule mandated by the Illinois Oil and Gas Act, and to clarify existing Department transfer procedures.

Section 240.1460 has been amended to delete duplicative provisions found elsewhere in the Rules, and to reference such other provisions. A new provision has been added to clarify identification of a permittee, a new base lessee, and proposed new permittee, and to expressly state the responsibilities of each such entity.

Section 240.1470 has been added to allow the Department discretion in revoking operating permits and provide a simplified guide by deletion of duplicative provisions found elsewhere in the Rules.

Section 240.1480 has been amended to clarify requirements for the involuntary transfer of wells by the Department to the person or entity who should, under the circumstances, be the permittee of record, and expressly assign responsibility for statutory and regulatory compliance to the designated permittee. This will allow for the initiation of enforcement actions against the proper party. Such transfers are specifically exempted from the provisions of Section 240.250(b).

Section 240.1485 has been added to provide an expedited mechanism for correcting administrative record errors in the well transfer process. Due process protections for affected permittees are preserved through inclusion of a hearing request procedure.

Section 240.1490 has been amended to clearly state the rights of proposed new permittees to request hearings to contest transfer or denial decisions made by the Department. Also, the mandatory requirement that prehearing conferences be held within 15 days is removed, and the deadline for holding such conferences is extended to 30 days on a non-mandatory basis.

Section 240.1500 has been amended to achieve three objectives. First, it is clarified that unabated Department administrative orders will subject an applicant to a bonding requirement. Next, the time frame for a previous operator not to have to furnish a bond after missing a billing cycle is expanded. Third, the Department's authority to issue cessation

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orders for violation of the Act's bond requirements is reinforced.

Section 240.1510 has been amended to repeal provisions pertaining to maintenance of cash accounts. There has never been a mechanism to maintain such accounts by the Oil and Gas Division, and cash accounts have never been utilized by the Division since this rule was promulgated.

Section 240.1520 has been amended to reflect the Department of Natural Resources instead of the Department of Mines and Minerals and to delete provisions referencing cash accounts.

Section 240.1700 has been amended to properly reflect that well fees are assessed on a fiscal, as opposed to calendar, year basis. It is further clarified that the full assessed amounts of fees are due within the time periods established by regulation, and specifies that repayment of checks returned due to insufficient funds or stopped payments shall be made by cashier check or money order, to ensure that the Department receives fees owed.

Section 240.1720 has been amended to clarify that the Department can cease mailing (not billing) permittees who fail to pay annual well fees for 3 consecutive years.

Section 240.1730 has been amended to clearly state that objections to fee assessments must be accompanied by the full assessed amount. This brings the rule into compliance with the Illinois Oil and Gas Act.

16) Information and questions regarding this adopted amendment shall be directed to:

Alfred L. Clayborne, Legal Counsel
Department of Natural Resources
524 South Second Street
Springfield, IL 62701
217/782-1809

The full text of the Adopted Amendments begin on the next page:

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TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCESPART 240
THE ILLINOIS OIL AND GAS
ACT

SUBPART A: GENERAL PROVISIONS

Section	
240.10	Definitions
240.20	Prevention of Waste (Repealed)
240.30	Jurisdiction (Repealed)
240.40	Enforcement of Act (Repealed)
240.50	Delegation of Authority (Repealed)
240.60	Right of Inspection (Repealed)
240.70	Right of Access (Repealed)
240.80	Sworn Statements (Repealed)
240.90	Additional Reports (Repealed)
240.100	When Rules Become Effective (Repealed)
240.110	Notice of Rules (Repealed)
240.120	Forms (Repealed)
240.130	Hearings--Notices (Repealed)
240.131	Unitization Hearings
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AUTHORITY: Implementing and authorized by Sections 6 and 8a of the Illinois Oil and Gas Act [225 ILCS 725/6 and 8a].

SOURCE: Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11

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Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill. Reg. 13620, effective August 8, 1990; amended at 14 Ill. Reg. 20427, effective January 1, 1991; amended at 15 Ill. Reg. 2706, effective January 31, 1991; recodified at 15 Ill. Reg. 8566; recodified at 15 Ill. Reg. 11641; emergency amendment at 15 Ill. Reg. 14679, effective September 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 15493, effective October 10, 1991; amended at 16 Ill. Reg. 2576, effective February 3, 1992; amended at 16 Ill. Reg. 15513, effective September 29, 1992; expedited correction at 16 Ill. Reg. 18859, effective September 29, 1992; emergency amendment at 17 Ill. Reg. 1195, effective January 12, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2217, effective February 8, 1993; amended at 17 Ill. Reg. 14097, effective August 24, 1993; amended at 17 Ill. Reg. 19923, effective November 8, 1993; amended at 18 Ill. Reg. 8061, effective May 13, 1994; emergency amendment at 18 Ill. Reg. 10380, effective June 21, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16361, effective November 18, 1994; amended at 19 Ill. Reg. 10981, effective July 14, 1995; amended at 21 Ill. Reg. 7164, effective June 3, 1997; emergency amendment at 22 Ill. Reg. 988, effective December 22, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 8422, effective April 28, 1998; amended at 22 Ill. Reg. 8845, effective April 28, 1998; amended at 22 Ill. Reg. 1414, effective April 28, 1998.

In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL PROVISIONS

Section 240.10 Definitions

"Act"--means the Illinois Oil and Gas Act [225 ILCS 725].

"Annular or casing injection/disposal well"--means a well into which fluids are injected between the surface casing and the well bore, the surface casing and the production casing, and/or the production casing and the tubing, or a well into which fluids are injected which does not have production casing, tubing and packer.

"Cement"--means all petroleum industry cements meeting the requirements set forth in "Specifications for Oil Well Cements and Cement Additives", API Standard 10A, January, 1974, published by the American Petroleum Institute, 1220 L Street, Northwest, Washington, D.C. 20005 (this incorporation does not include any later publications or editions), except as provided in Subpart K of these rules.

"Class II fluids" means:

Produced water and/or other fluids brought to the surface in

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connection with drilling, completion, workover and plugging of oil and natural gas wells; enhanced recovery operations; or natural gas storage operations;

Produced water and/or other fluids from above, which prior to re-injection have been:

used on site for purposes integrally associated to oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations or natural gas storage;

chemically treated or altered to the extent necessary to make them usable for purposes integrally related to oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations, or natural gas storage operations;

commingled with fluid wastes resulting from fluid treatments outlined above, provided the commingled fluid wastes do not constitute a hazardous waste under the Resource Conservation and Recovery Act;

Fresh water from groundwater or surface water sources which is used for purposes integrally related or associated with oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations or natural gas storage;

Waste fluids from gas plants (including filter backwash, precipitated sludge, iron sponge, hydrogen sulfide and scrubber liquid) which are an integral part of oil and gas production operations; and waste fluids from gas dehydration plants (including glycol-based compounds and filter backwash) which are an integral part of natural gas storage operations, unless the gas plant or gas dehydration plant wastes are classified as hazardous under the federal Resource Conservation and Recovery Act.

"Class II UIC well"--means an Injection, Disposal or Commercial Disposal well into which fluids are injected:

Which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with wastewaters from gas plants which are an integral part of production operations unless those waters are classified as a hazardous waste at the time of injection;

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For enhanced recovery of oil or natural gas; and

For storage of hydrocarbons which are liquid at standard temperature and pressure.

"Commercial Disposal Well"--means a permitted Class II well for which the permittee receives deliveries of Class II fluids by tank truck and charges a fee for the specific purpose of disposal of Class II fluids.

"Convert"--means to change an oil, gas, Class II UIC, water supply, observation or gas storage well to another of those types of wells, requiring the issuance of a new permit.

"Department"--means the Department of Natural Resources, Office of Mines and Minerals of the State of Illinois. (Section 1 of the Act)

"Directional Drilling"--means the controlled directional drilling when the bottom of the well bore is directed away from the vertical position.

"Director"--means the Director of the Office of Mines and Minerals, as the designee of the Director, Illinois Department of Natural Resources.

"Disposal Well"--means a Class II UIC well into which fluids brought to the surface in connection with oil or natural gas production are injected into a non-productive oil or gas zone for purposes other than enhanced oil recovery.

"District Office"--means the Department's office for the district in which the well is located.

"Division"--means the Division of Oil and Gas within the Department of Natural Resources, Office of Mines and Minerals.

"Enhanced Oil Recovery"--means any secondary or tertiary recovery method used in an effort to recover hydrocarbons from a pool by injection of fluids, gases or other substances to maintain, restore or augment natural reservoir energy, or by introducing gases, chemicals, other substances or heat or by in-site combustion, or by any combination thereof. (Section 1 of the Act)

"Enhanced Oil Recovery Injection Well"--means a Class II UIC well used for enhanced oil recovery.

"Flowline"--means all injection, produced water and oil flow lines located within the boundaries of a lease or unit, or gathering lines between leases to a centralized storage area, or to the point where

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"Owner"---means the person who has the right to drill into and produce from any pool, and to appropriate the production either for the person or for the person and another, or others, or solely for others, excluding the mineral owner's royalty if the right to drill and produce has been granted under an oil and gas lease. An owner may also be a person granted the right to drill and operate an injection (Class II UIC) well independent of the right to drill for and produce oil or gas. When the right to drill, produce, and appropriate production is held by more than one person, then all persons holding these rights may designate the owner by a written operating agreement, or similar written agreement. In the absence of such an agreement, and subject to the provisions of Sections 22.2 and 23.1 through 23.16 of the Act, the owner shall be the person designated in writing by a majority in interest of the persons holding these rights. (Section 1 of the Act)

"Permit"---means the Department's written authorization allowing a well or test hole to be drilled, deepened, converted and/or operated by an owner. (Section 1 of the Act)

"Permittee"---means the owner holding or required to hold the permit, and who is also responsible for paying assessments in accordance with Section 19.7 of the Act and, where applicable, executing and filing the bond associated with the well as principal and who is responsible for compliance with all statutory and regulatory requirements pertaining to the well. When the right and responsibility for operating a well is vested in a receiver or trustee appointed by a court of competent jurisdiction, the permit shall be issued to the receiver or trustee. (Section 1 of the Act)

"Person"---means any natural person, corporation, association, partnership, governmental agency or other legal entity, receiver, trustee, guardian, executor, administrator, fiduciary or representative of any kind. (Section 1 of the Act)

"Pool"---means a natural underground reservoir containing, in whole or in part, a natural accumulation of oil or gas, or both. Each productive zone or stratum of a general structure, which is completely separated from any other zone or stratum in the structure, is deemed a separate "pool" as used herein. (Section 1 of the Act)

"Produced Water"---means water regardless of chloride and total dissolved solids (TDS) content which is produced in conjunction with oil and/or natural gas production and natural gas storage operations.

"Production Casing"---means the string of casing placed in a well and used for the purpose of isolating the production or injection formation.

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the lines connect with a primary transportation pipeline.

"Fresh Water"---means surface and subsurface water in its natural state useful for drinking water for human consumption, domestic livestock, irrigation, industrial, municipal and recreational purposes, and which will support aquatic life and contains less than 10,000 mg/liter total dissolved solids.

"General Oilfield Waste"---means oily rags, chemical containers including any unused chemicals, oil filters and gaskets, used motor oil, lubricating oils, hydraulic fluids, diesel fuels, paint and solvent wastes and other similar wastes generated during drilling, completion, production and plugging activities and which are now or hereafter non-exempt from the provisions of Subtitle C of the Federal Resource Conservation Recovery Act of 1976.

"Injection Well"---means an enhanced oil recovery injection well or disposal well a class II well into which fluids brought to the surface in connection with oil or natural gas production are injected into a producing oil or gas zone for purposes of enhanced oil recovery.

"Liquid Oilfield Waste"---means oilfield brines, produced waters, Class II fluids, tank and pit crude oil bottom sediments, and drilling and completion fluids, to the extent those wastes are now or hereafter exempt from the provisions of Subtitle C of the Federal Resource Conservation Recovery Act of 1976. (Section 8c of the Act)

"Liquid Oilfield Waste Hauler"---means a person holding a permit to operate a liquid oilfield waste transportation system.

"Orphan Well"---means a well for which:

No fee assessment under Section 19.7 of the Act has been paid or no other bond coverage has been provided for 2 consecutive years;

no oil or gas has been produced from the well or from the lease or unit on which the well is located for 2 consecutive years; and

no permittee or owner can be identified or located by the Department. Orphaned wells include wells that may have been drilled for purposes other than those for which a permit is required under the Act if the well is a conduit for oil or salt water intrusions into fresh water zones or onto the surface which may be caused by oil and gas operations. (Section 1 of the Act)

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"Repressure"--means to increase the reservoir pressure by the introduction of gas, air or water or other fluid into the reservoir.

"Reservoir"--for the purpose of these rules, is interchangeable with the term "pool".

"Rotary Drilling"--means the hydraulic process of drilling a well for oil or gas as such method is commonly used in the industry.

"Shooting"--means the exploding of nitroglycerin or other high explosives in a well for the purpose of increasing the production of oil or gas.

"Surface Waters"--means any river, stream, lake, pond or intermittent stream.

"Tank"--means a vessel into which oil or water is gathered, produced or stored.

"Undeveloped Limits of a Mine"--means that portion of a mine where the entries have not been driven to the boundaries of the mine property.

"Vacuum"--means pressure which is reduced below the pressure of the atmosphere.

"Water Drainage Way"--means any drainage ditch, roadside ditch, grassy waterway or any other natural or manmade surface or underground water drainage system.

"Well"--means any drill hole required to be permitted under subsection (2) of Section 6 or Section 12 of the Act.

(Source: Amended at 22 Ill. Reg. 22314, effective DEC 14 1998)

SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

Section 240.250 Issuance of Permit to Drill or Operate

- a) If the applicant satisfies requirements of the Act and Rules the Department shall issue a permit.
- b) A permit shall not be issued to an applicant where:
 - 1) the applicant has falsified or otherwise misstated any information on or relative to the permit application;
 - 2) the applicant has failed to abate a violation of the Act specified in a final administrative decision of the Department;
 - 3) an officer, director, or partner in the applicant, or person with an interest in the applicant exceeding 5%, was an officer,

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- 4) the applicant is an officer, director, partner, or person with an interest exceeding 5%, in another entity that has failed to abate a violation of the Act specified in a final administrative decision of the Department;
- 5) funds have been obligated and remain outstanding from the plugging and Restoration Fund to plug wells, under Subpart P, for which the applicant was a previous permittee, or the applicant was an officer, director, partner, or person with an interest exceeding 5%, in a permittee for which funds were obligated; or an officer, director, or partner in the applicant, or person with an interest in the applicant exceeding 5%, was an officer, director, partner or person with an interest exceeding 5% in a permittee for which funds were obligated; or
- 6) the applicant is delinquent in the payment of Annual Well Fees; or the applicant is an officer, director, partner, or person with an interest exceeding 5%, in another permittee who is delinquent in payment of Annual Well Fees; or an officer, director, or partner in the applicant, or person with an interest in the applicant exceeding 5%, was an officer, director, partner or person with an interest exceeding 5% in a permittee who is delinquent in payment of Annual Well Fees.
- c) Permits shall expire one year from the date of issuance unless acted upon by commencement of drilling, deepening or converting operations authorized by the permit, which are to be continued with due diligence, but not to exceed 2 years from date of commencement of drilling or conversion operations, at which time the well shall be plugged, production casing set, conversion operations completed or well repermited. If the drilling rig is removed prior to the expiration of the permit, any further drilling or deepening shall require repermitting.
- d) Permits are not transferable prior to the drilling of the well.

(Source: Amended at 22 Ill. Reg. 22314, effective DEC 14 1998)

Section 240.251 Revocation of Permit to Drill

- a) The Department may shall revoke a permit if:
 - 1) The permittee fails to meet permit conditions; or
 - 2) The permit was issued in error; or
 - 3) The permittee is not in compliance with Section 240.250(b) of this Subpart, the applicant has falsified or otherwise misstated any information on or relative to the permit application;
 - 4) the applicant has failed to abate a violation of the Act specified in a final administrative decision of the Department;

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- 5) ~~an officer, director, partner, or person with an interest in the applicant exceeding 5% failed to abate a violation of the Act specified in a final administrative decision of the Department, or~~
- 6) ~~the applicant is an officer, director, partner, or person with an interest exceeding 5% in another entity that has failed to abate a violation of the Act specified in a final administrative decision of the Department. (Section 8a of the Act)~~
- b) The Department shall notify the permittee of the Department's intent to revoke a permit effective 30 days from the date of notice unless a hearing is requested in accordance with subsection (c) below.
- c) If a written objection to the permit revocation is filed within 30 days after the date of the notice:
- 1) A pre-hearing conference shall be held within 15 days after the receipt of the request for hearing.
 - A) A pre-hearing conference shall be scheduled in order to:
 - i) Simplify the factual and legal issues presented by the hearing request;
 - ii) Receive stipulations and admissions of fact and of the contents and authenticity of documents;
 - iii) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing;
 - iv) Set a hearing date; and
 - v) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion thereof.
 - B) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties.
- 2) All hearings under this Subpart shall be conducted in the Department's offices located in Springfield, Illinois.
- d) At the hearing, the Department shall present evidence in support of its determination under subsection (a) above. The permittee may present evidence contesting the Department's determination under subsection (a) above. The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery, and take evidence.
- e) Within 30 days after the close of the record or the receipt of the transcript of the hearing, the Department shall render a decision.
- f) The permittee's failure to request a hearing in accordance with subsection (c) shall constitute a waiver of all legal rights to contest the permit revocation decision. Upon the expiration of the time to request a hearing, the Department shall issue a final administrative decision, pursuant to Section 10 of the Act.

(Source: Amended DEC 14, 1998 at 22 Ill. Reg. 22314, effective

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Section 240.255 Conversion of a Production Well to a Water Well

Production wells may not be converted to a livestock or domestic use water well that is required to have wells requiring a permit from the Illinois Department of Public Health. Production wells converted to livestock or domestic use water wells prior to January 1, 1989 may remain in use provided the portion of the well extending below the base of the fresh water was plugged prior to January 1, 1989.

(Source: Amended DEC 14, 1998 at 22 Ill. Reg. 22314, effective

SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

Section 240.310 Application for Permit to Drill, Deepen, Convert or Amend to a Class II UIC Well

- a) No person shall drill, deepen or convert any well for use as a Class II UIC well without a permit from the Department.
- b) No person shall inject into a freshwater aquifer or be issued a permit into a freshwater aquifer unless:
 - 1) the freshwater aquifer into which injection is proposed has been excepted as specified in Section 240.312; or
 - 2) a completed application requesting an aquifer exemption was submitted to the Department prior to February 1, 1998 and USEPA Region V has completed a technical review, determined that the application meets the relevant criteria, and intends to put the application forward for final approval by the USEPA under 40 CFR 146.4; or
 - 3) a request for an aquifer exemption is submitted to the Department in accordance with Section 240.311 and approved by the USEPA under 40 CFR 146.4.
- c) Application for a permit to drill, deepen or convert to a Class II UIC well or amend existing Class II UIC well permit in accordance with Section 240.390(a) of this Part shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the non-refundable fee of \$100.00 and the required bond under Subpart L.
- d) At the time of application they must specify the type of Class II well being permitted as an Injection well, Disposal well or Commercial Disposal well.
- e) If the application does not contain all of the required information or documents, the Department shall notify the applicant in writing. The notification shall specify the additional information or documents necessary to an evaluation of the application and shall advise the applicant that the application will be deemed denied unless the information or documents are submitted within 60 days following the date of notification.

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f) Any well for which a permit is required under the Act, other than a plugged well, which was drilled prior to the effective date of the Act and for which no permit has previously been issued, is required to be permitted. Application for a permit shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the required bond under Subpart L. If application is made on or before August 14, 1991, no permit fee is required, but all other requirements of this Subpart shall apply. An application made after that date shall be accompanied by the non-refundable fee of \$100-00. After August 14, 1991, any unpermitted well to which this Subpart applies will be deemed to be operating without a permit and subject to the penalties set forth in the Act. [225 ILCS 725/12]

(Source: Amended at 22 Ill. Reg. 22314, effective 11/14/1998)

Section 240.311 Application for Freshwater Aquifer Exemption

a) If it is determined by the Department a freshwater aquifer exemption is required in order to permit and/or operate a Class II well, the applicant shall submit to the Department a written request to exempt the freshwater aquifer along with evidence showing the freshwater aquifer satisfies the criteria for an exemption.

b) A freshwater aquifer or a portion thereof may be determined under 40 CFR 146.4 to be exempted if evidence is submitted showing the following criteria are met:

1) The aquifer does not currently serve as a source of drinking water; and

2) Either:

A) The aquifer cannot now and will not in the future serve as a source of drinking water because:

i) the aquifer is mineral, hydrocarbon or geothermal energy producing, or can be demonstrated by a permit applicant as part of a permit application for a Class II or III operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible; or

ii) the aquifer is situated at a depth or location that makes recovery of water for drinking water purposes economically or technologically impractical; or

iii) the aquifer is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption; or

iv) the aquifer is located over a Class III well mining area subject to subsidence or catastrophic collapse, or

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B) The total dissolved solids content of the ground water is more than 3,000 and less than 10,000 mg/l and it is not reasonably expected to supply a public water system.

c) After review and approval of the submitted evidence, the Department will forward the information, along with a recommendation, to the U.S. Environmental Protection Agency Region V Office for approval.

(Source: Added at 22 Ill. Reg. 22314, effective 11/14/1998)

Section 240.312 Freshwater Aquifer Exemptions

a) The following aquifer exemptions have been approved by the U.S. Environmental Protection Agency.

b) Siloam pool located in Township 2 South, Range 4 West in Brown County consisting of:

- 1) SE/4 SE/4 of Section 7; and
- 2) S/2 NE/4 and S/2 of Section 8; and
- 3) SW/4 SE/4 and SW/4 of Section 9; and
- 4) W/2 NE/4 and NW/4 of Section 15; and
- 5) NE/4 SE/4 and N/2 NE/4 and NE/4 of Section 16; and
- 6) N/2 NE/4 and N/2 NW/4 and SE/4 NW/4 of Section 17; and
- 7) NE/4 NE/4 of Section 18.

c) Buckhorn pool located in Brown County consisting of:

- 1) Township 1 South, Range 4 West
 - A) S/2 SW/4 and S/2 SE/4 of Section 24; and
 - B) all Section 25 except W/2 NW/4; and
 - C) S/2 SE/4 and S/2 SW/4 of Section 26; and
 - D) S/2 NE/4 and SE/4 SW/4 and SE/4 of Section 33; and
 - E) all of Section 34 except NW/4 NW/4; and
 - F) all of Section 35; and
 - G) all of Section 36.

2) Township 1 South, Range 3 West

- A) W/2 NW/4 and W/2 SW/4 and SE/4 SW/4 and S/2 SE/4 of Section 30; and

B) S/2 SW/4 and S/2 SE/4 of Section 29; and

C) all of Section 31; and

D) all of Section 32; and

E) W/2 NW/4 and W/2 SW/4 of Section 33.

3) Township 2 South, Range 4 West

A) N/2 NE/4 and N/2 NW/4 of Section 1; and

B) all of Section 2 except S/2 SE/4 and NE/4 SE/4; and

C) all of Section 3 except SE/4; and

D) NE/4 and N/2 NW/4 of Section 4; and

E) NE/4 and E/2 SE/4 of Section 10; and

F) NW/4 and W/2 SW/4 of Section 11.

4) Township 2 South, Range 3 West

A) all of Section 5 except SE/4 NE/4 and NE/4 SE/4; and

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- d) all of Section 6 except SW/4 NW/4 and W/2 SW/4; and
- C) N/2 NW/4 and NE/4 of Section 8.
- Sliggins pool in Clark and Cumberland Counties
- 1) Township 11 North, Range 10 East
- A) S/2 NW/4 and SW/4 and SE/4 of Section 35; and
- B) SW/4 SW/4 of Section 36.
- 2) Township 11 North, Range 11 East, SW/4 SE/4 and E/2 SE/4 of fractional Section 31.
- 3) Township 11 North, Range 14 West
- A) all of Section 31 except N/2 NW/4 and SW/4 NW/4; and
- B) all of Section 32.
- 4) Township 10 North, Range 10 East
- A) all of Section 1 except N/2 NE/4; and
- B) all of Section 2 except SW/4 NW/4 and W/2 SW/4; and
- C) all of Section 11 except NW/4 NW/4; and
- D) all of Section 12; and
- E) all of Section 13; and
- F) E/2 of Section 14; and
- G) NE/4 and NE/4 SE/4 of Section 23; and
- H) all of Section 24.
- 5) Township 11 North, Range 11 East
- A) all of fractional Section 6; and
- B) all of fractional Section 7; and
- C) all of fractional Section 18; and
- D) all of fractional Section 19 except E/2 NE/4 and NE/4 SE/4.
- 6) Township 10 North, Range 14 West
- A) NW/4 and E/2 SW/4 and SW/4 NE/4 and N/2 NE/4 of Section 5; and
- B) all of Section 6; and
- C) all of Section 7; and
- D) W/2 NW/4 of Section 8; and
- E) NW/4 and N/2 SW/4 and W/2 NE/4 of Section 18.
- e) The following aquifers are the subject of completed applications and meet the criteria of Section 240.310(b)(2).
- 1) Herscher system located in portions of Kankakee, Ford and Iroquois Counties consisting of:
- A) Township 30 North, Range 9 East, Sections 12, 13, 23, 24, 25, 26, 35 and 36;
- B) Township 30 North, Range 10 East, Sections 7, 8, 14-23 and 26-35;
- C) Township 29 North, Range 9 East, Sections 1, 2 and 12; and
- D) Township 29 North, Range 10 East, Sections 2-11 and 15-18.
- 2) Colmar-Plymouth pool located in McDonough and Hancock Counties and consisting of:
- A) Township 4 North, Range 4 West, McDonough County:
- i) S/2 S/2 NE/4 and SE/4 SE/4 NW/4 and E/2 SW/4 and SE/4 of Section 9; and
- ii) S/2 S/2 NW/4 and SE/4 and SW/4 of Section 10; and

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- iii) NW/4 SE/4 and N/2 SW/4 and S/2 NW/4 of Section 14; and
- iv) N/2 SE/4 and NE/4 and NW/4 of Section 15; and
- v) all of Section 16; and
- vi) S/2 and S/2 N/2 of Section 17; and
- vii) S/2 and NE/4 and S/2 NW/4 of Section 18; and
- viii) all of Section 19; and
- ix) N/2 and N/2 SE/4 and N/2 SW/4 and SW/4 SW/4 of Section 20; and
- x) N/2 and N/2 S/2 of Section 21; and
- xi) N/2 N/2 and SW/4 NE/4 and SE/4 NW/4 of Section 30.
- B) Township 4 North, Range 5 West, Hancock County:
- i) SW/4 and S/2 NE/4 and E/2 SW/4 of Section 23; and
- ii) S/2 NW/4 and S/2 NE/4 and NE/4 NE/4 and SE/4 and SW/4 of Section 24; and
- iii) NW/4 and N/2 NE/4 and SW/4 NE/4 of Section 25.

(Source: Added, 1998, 22 Ill. Reg. 20314, effective 10/1/98.)

Section 240.340 Proposed Well Construction and Operating Parameters

- a) Well Construction Records for Conversion Wells
- If the application is for the conversion of a previously drilled well, the applicant shall:
- 1) submit a complete copy of all available geophysical logs run on the well; and
 - 2) submit a copy of the Initial Completion Report or casing and cementing records of the well; and
 - 3) establish external mechanical integrity in accordance with Section 240.770(c) of this Part.
- b) Schematic Diagram
- The applicant shall submit a schematic diagram of the proposed injection well showing:
- 1) the total depth and plugged back depth of the well;
 - 2) the sizes and depths of the holes drilled for the surface casing, mine or intermediate casing, and production casing;
 - 3) the sizes and depths of all casing in the well, and any additional casing to be used in the well;
 - 4) the amount of cement used for each string of casing in the well, and any additional cement to be used in the well;
 - 5) the size of the tubing and setting depth of the packer;
 - 6) the top and bottom depths of all perforated intervals in the casing; and
 - 7) the geologic name and the depth of the top and bottom of the proposed injection interval.
- c) Proposed Injection Rate
- The applicant shall submit the proposed injection rate expressed in average barrels per day.

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d) Injection Fluid

The applicant shall submit the depth and geologic name of the formation(s) from which the injection fluid is to be obtained, a standard laboratory analysis of a representative sample of the fluid to be injected and the date the sample was obtained. The sample shall be analyzed for at least the following parameters: pH, Chloride, Total Dissolved Solids, and Specific Gravity. The sample shall be obtained and analyzed no earlier than one (1) year prior to the date of filing of the application.

e) Proposed Maximum Injection Pressure

1) The applicant shall submit the proposed maximum injection pressure in accordance with the following formula:

$$M.I.P. = (.80 - (.433 \times Sp.Gr.)) \times Depth - 14.7$$

where

M.I.P. = maximum allowable injection pressure

Sp.Gr. = specific gravity of the injection fluid

Depth = depth of the top of the injection interval

2) If the proposed maximum injection pressure exceeds the amount calculated in accordance with subsection (e)(1) above, the applicant shall submit the most recent information showing that the proposed maximum injection pressure will not initiate or propagate fractures in the injection interval or overlying strata that could enable the injection fluid or the fluid in the injection interval to leave the permitted injection intervals. The types of information that will be considered acceptable by the Department include, but are not limited to:

A) A copy of the ticket and pressure chart from a "frac" or "acid" treatment in the injection interval in the proposed well, or from of the same interval or a stratigraphically higher interval from a well within 1 mile of the proposed in a---nearby well, which shows the Instantaneous Shut-In Pressure (ISIP). The maximum allowable injection pressure shall be ten-percent- $\frac{1}{4}$ 10% less than the ISIP measured at the surface unless the specific gravity of the treatment fluid is less than the specific gravity of the proposed injection fluid, in which case the ISIP shall be measured at the injection interval.

B) The results of a step rate test from the injection interval in the proposed well, or from the same interval or a stratigraphically higher interval in a well within 1 mile of the proposed well tests which shows that the proposed maximum injection pressure will not propagate fractures allowing the injection fluid to migrate out of the permitted injection interval. The maximum allowable injection

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pressure shall be 10% less than the pressure, measured at the surface, at which the formation broke during the test.

(Source: Amended at 22 Ill. Reg. 22314, effective DEC 1, 1998)

Section 240.360 Area of Review

a) The area of review shall include all wells located within one-fourth- $\frac{1}{4}$ mile of the proposed Class II UIC well, including directionally and horizontally drilled wells, which penetrate the injection interval within one-fourth- $\frac{1}{4}$ mile of the proposed Class II UIC well.

b) The applicant shall submit evidence that all wells which penetrate the injection formation within the area of review contain an adequate amount of cement and are constructed or plugged in a manner which will prevent the injection fluid and the fluid in the injection formation from entering the freshwater zone. The types of evidence that will be considered acceptable by the Department include, but are not limited to: well completion reports, cementing records, well construction records, cement bond logs, tracer surveys, oxygen activation logs, and plugging records.

c) The applicant shall submit evidence for all wells which penetrate the injection formation within the area of review and which are determined by the Department to contain an inadequate amount of cement or are inadequately constructed or plugged, that injection into the proposed well and formation will not cause contamination of the freshwater zone. If well fluid level measurements are required as part of the submitted evidence, the fluid level measurements shall be witnessed by a Department Well Inspector. The Department shall have the authority to determine if the submitted information is acceptable as showing that the freshwater zone will not be contaminated through said well(s).

(Source: Amended at 22 Ill. Reg. 22314, effective DEC 1, 1998)

Section 240.380 Issuance of Permit

- a) If the applicant satisfies the requirements of the Act and this Part, the Department shall issue a permit.
- b) A permit may shall not be issued to an applicant not in compliance with Section 240.250(b) of Subpart B, where:
- 1) ~~the applicant has falsified or otherwise misstated any information on or relative to the permit application;~~
 - 2) ~~the applicant has failed to abate a violation of the Act specified in a final administrative decision of the Department;~~
 - 3) ~~an officer, director, partner, or person with an interest in the applicant exceeding 5% failed to abate a violation of the Act~~

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- 4) ~~specified-in-a-final-administrative-decision-of-the-Department;~~
~~the-applicant-is-an-officer, director, partner, or person-with-an~~
~~interest-exceeding-5% in-another-entity-that-has-failed-to-abate~~
~~a-violation-of-the-act--specified-in-a-final-administrative~~
~~decision-of-the-Department~~ [Section 8a of the Act]
- 5) ~~funds-have-been-obligated--and--remain--outstanding--from--the~~
~~plugging-and-Restoration-Fund-to-plug-wells-under-Subpart-P, for~~
~~which-the-applicant-was-a-previous-permittee-or-the-applicant-was~~
~~an--officer--director--partner--or--person--with--an--interest~~
~~exceeding-5% in-a-permittee-for-which-funds-were-obligated--or~~
~~the-applicant-is-delinquent-in-the-payment-of-Annual-Well-Fees-or~~
~~exceeding-5% in-another-permittee-who-is-delinquent-in-payment-of~~
~~Annual-Well-Fees--~~
- 6) ~~is-an-officer, director, partner--or--person--with--an--interest~~
~~exceeding-5% in-another-permittee-who-is-delinquent-in-payment-of~~
~~Annual-Well-Fees--~~

c) Permits shall expire one year from the date of issuance unless acted upon by commencement of drilling, deepening or converting operations authorized by the permit, which are to be continued with due diligence, but not to exceed 1 year from the date of commencement of drilling or conversion operations, at which time the well shall be plugged, production casing set, conversion operations completed or well repermitted.

d) Permits are not transferable prior to the drilling of the well.

e) If during drilling the well is lost (collapsed casing or hole, etc.), the permittee is required to submit a new application, and receive a permit prior to drilling an offset well.

f) The Department may ~~shall~~ revoke a permit in accordance with Section 240.251(a) of this Part that was issued in error or if the application contained an error or misrepresentation.

g) The Department shall notify the permittee of its intent to revoke a permit effective 30 days from the date of notice unless a hearing is requested in accordance with subsection (h) below.

h) If a written objection to the revocation is filed within 30 days after the date of the notice:

- 1) A pre-hearing conference shall be held within 15 days after the receipt after the request for hearing.

A) A pre-hearing conference shall be scheduled in order to:

- i) Simplify the factual and legal issues presented by the hearing request;
- ii) Receive stipulations, admissions of fact and of the content and authenticity of documents;
- iii) Exchange lists of witnesses the parties intend to have testify a 4 copies of all documents the parties intend to introduce into evidence at the hearing;
- iv) Set a hearing date; and
- v) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion thereof.

B) Pre-hearing conferences may be held by telephone conferences

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if such procedure is acceptable to all parties.

- 2) All hearings under this Subpart shall be conducted in the Department's offices located in Springfield, Illinois.

i) At the hearing, the Department shall present evidence in support of its determination under subsection (f) above. The permittee may present evidence contesting the Department's determination under subsection (f) above. The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery, and take evidence.

j) Within 30 days after the close of the record or the receipt of the transcript of the hearing, the Department shall render a decision.

k) The permittee's failure to request a hearing in accordance with subsection (h) shall constitute a waiver of all legal rights to contest the permit revocation decision. Upon the expiration of the time to request a hearing, the Department shall issue a final administrative decision, pursuant to Section 10 of the Act.

(Source: Amended at 22 Ill. Reg. 22314, effective DEC 14 1998)

Section 240.385 Conversion of a Class II Well to a Water Well

Class II wells may not be converted to a livestock or domestic use water well that is required to have wells requiring a permit from the Illinois Department of Public Health. Class II wells converted to livestock or domestic use water wells prior to January 1, 1989 may remain in use provided the portion of the well extending below the base of the fresh water was plugged prior to January 1, 1989.

(Source: Amended at 22 Ill. Reg. 22311, effective DEC 14 1998)

SUBPART E: WELL DRILLING, COMPLETION AND WORKOVER REQUIREMENTS

Section 240.540 Drilling and Completion Pit Restoration

- a) Sediment, drilling fluid circulation and reserve pits, except sediment pits used as completion pits, shall be filled and leveled within 6 months after drilling ceases. Drilling fluid wastes may be disposed of by on-site burial or surface application in accordance with subsection (b) of this Section at the site of drilling. Saltwater or Oil Drilling Fluid wastes shall be removed from the site and disposed of in an Illinois Environmental Protection Agency permitted special waste landfill, injected in a Class II well, disposed of in a well during the plugging process or buried in one of the lined pits and the liner folded over and an additional liner material added to completely cover the drilling waste and buried at least 5 feet below the ground

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- surface.
- b) If surface application is used for disposal of drilling fluid wastes (prohibited for Saltwater or Oil Based Drilling Fluids), the wastes shall be landspread, incorporated and stabilized to limit run off of storm water containing drilling fluid waste. Discharge of drilling fluid waste into surface waters or water drainage ways is prohibited.
- c) Drilling pits used as completion pits in accordance with Section 240.530(c)(2) of this Subpart shall be filled and leveled within 6 months after completion activities cease. Newly constructed completion or workover pits shall be filled and leveled within 90 days after completion or workover activities cease. All completion or workover fluid wastes shall be removed from the pit and disposed of in a Class II Injection well (or in above ground tanks of containers pending disposal) prior to restoration. Any remaining residue not removed can be disposed of through on-site burial. Only residue from that particular well on which completion or workover activities were performed can be disposed of by on-site burial.
- d) All drilling, completion and workover pits shall be filled and leveled in a manner that allows the site to be returned to original use with no subsidence or leakage of fluids, and where applicable, with sufficient compaction to support farm machinery.

(Source: Amended at 22 Ill. Reg. 22314, effective 1/1/99)

SUBPART H: LEASE OPERATING REQUIREMENTS

Section 240.820 Flowlines

- a) All flowlines used in the production of oil and/or natural gas, constructed after November 8, 1993, shall be buried at least thirty-six (36) inches below the ground surface. The flowline may ~~shall~~ be exempt from these burial requirements upon Department approval if made of steel and either of the following conditions exist:
- 1) the flowline is made of steel; and
 - 2) Either:
 - A) the topographical features, land uses or ground conditions prevent the efficient burial of flowlines; or
 - B) the terms of the oil and gas lease prohibit the burial of flowlines.
- b) All flowlines that cross and are not buried under natural drainage features such as creeks, streams, rivers or intermittent streams or ravines shall be constructed in such fashion as to bridge the drainage feature to protect the flowlines from damage due to lack of adequate support, resulting in potential discharge.
- c) The Department shall have the authority to take enforcement action (pursuant to Sections 240.140 through 240.170 of this Part) to require

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active requiring flowlines existing on the effective date of this rule to be replaced, or buried or constructed in accordance with subsection (b) of this Section or to require visible inactive or abandoned flowlines to be removed and the open ends sealed if the Department finds, based on field observation, that the flowlines constitute a hazard to public safety or can reasonably be expected to cause damage to the environment through leaks and spills.

d) No flowline conveying produced water shall have an outlet valve for the discharge of produced water between the place or well of origin and the authorized storage or disposal point.

e) Any spill from a flowline leak shall be cleaned up in accordance with Sections 240.890 and 240.895.

(Source: Amended 22314, effective 1/1/99)

Section 240.840 Equipment Storage

- a) Equipment debris shall not be stored on a lease or unit.
- b) Other equipment not integrally related to production activities on a lease or unit shall not be stored on the lease except with the agreement of the current surface owner.

(Source: Amended at 22 Ill. Reg. 22314, effective 1/1/99)

Section 240.850 Concrete Storage Structures

- a) The requirements of this Section apply to:
- 1) All concrete storage structures existing on July 1, 1995 which will continue to be used.
 - 2) Any new concrete storage structures constructed after May 13, 1994.
- b) Definitions
- "Concrete Storage Structure", as used in this Section, is a formed concrete impoundment, the base of which is at or below ground level, used for temporary storage of liquid oilfield waste or produced water prior to disposal.

"New Concrete Storage Structure" means a concrete storage structure permitted and constructed after May 13, 1994.

"Existing Concrete Storage Structure" means a concrete storage structure constructed prior to May 13, 1994.

- c) Concrete Storage Structure Permitting Procedures
- All new concrete storage structures constructed after May 13, 1994 are required to be permitted and may not be used until the permit is issued. All existing concrete storage structures constructed prior to

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May 13, 1994 must be permitted by July 1, 1995 or restored in accordance with subsection (e) below. The permittee shall apply for a permit on a form prescribed by the Department which shall include the following:

- 1) A map drawn to scale showing the location of the concrete storage structure relative to the lease boundaries, potable water wells and local surface drainage located within 1/4 mile of the proposed structure.
- 2) Concrete storage structure dimensions.
- 3) Soil types in the area of concrete storage structure construction.
- 4) Chemical analysis of produced water to be temporarily stored in the concrete storage structure showing TDS and chlorides.
- 5) A description of the method for disposal of the produced water or liquid oilfield waste temporarily stored in the concrete storage structure.
- d) General Location and Construction Requirements for New and Existing Concrete Storage Structures
 - 1) New concrete storage structures shall not be located:
 - A) within two-hundred- \pm 200 \pm feet of an existing inhabited structure, unless the current owner of the structure has provided a written waiver consenting to the construction closer than two-hundred- \pm 200 \pm feet. Any concrete storage structure located closer than two-hundred- \pm 200 \pm feet shall be completely fenced to prevent unauthorized access;
 - B) within two-hundred- \pm 200 \pm feet of a domestic water supply well or twenty-five-hundred- \pm 2,500 \pm feet of a municipal water supply well;
 - C) within two-hundred- \pm 200 \pm feet of a stream, body of water, or marshy land, unless the permittee can demonstrate to the Department that construction standards or topography will prevent discharge from the concrete storage structure;
 - D) in an area which is subject to annual flooding by streams, rivers, lakes, or drainage ditches.
 - 2) Existing concrete storage structures shall be completely fenced to prevent unauthorized access when located, at the time of permitting, within 200 feet of an existing inhabited structure.
 - 3) Surface water drainage shall be diverted away from all concrete storage structures.
 - 4) Contents from any concrete storage structure shall not be discharged onto the surrounding land surface or into a stream or other body of water unless a permit has been obtained from the Illinois Environmental Protection Agency ("IEPA").
 - 5) The concrete storage structure permit number and the name of the permittee must be posted at all concrete storage structures in a legible and visible manner.
 - 6) All concrete storage structures shall be covered with bird netting or other system designed to keep birds and flying mammals

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from landing in the concrete storage structure.

- 7) New concrete storage structures shall be constructed utilizing standard engineering practices using formed concrete bottom and sides and be underlain by a drainage system constructed to allow the monitoring and sampling of fluids present under the structure. After installation of the concrete liner and prior to concrete storage structure use, the structure shall be inspected by a Department Well Inspector. The permittee shall correct damages or imperfections before placing liquid oilfield waste or produced water in the concrete storage structure. The fluid drainage from beneath the pit shall be sampled quarterly. The sample shall be analyzed for chlorides by an "independent testing" facility. The results of the analysis shall be maintained at the facility offices for review upon request, by the Department. If the fluid analysis indicates a leak is present, the Department shall be notified within five (5) days and the pit shall be drained and repaired.
- 8) Existing concrete storage structures shall have been constructed utilizing standard engineering practices using formed concrete bottoms and sides. Existing concrete structures shall be exempt from the under structure drainage provision specified in subsection (d)(7) above for new structures. However, existing structures shall be subject to inspection and repair in accordance with subsection Section--240-050(f) of this Section Subpart.
- 9) Puncturing or perforating the concrete liner or installing any type of drainage system which penetrates the sides or bottom of any structure is prohibited.
 - e) Concrete Storage Structure Abandonment and Restoration
 - 1) Prior to removal and or burial of the concrete storage structure:
 - A) All of the liquid oilfield waste shall be removed and disposed of in a Class II UIC well.
 - B) Crude oil bottom sediments shall be disposed of in accordance with Section 240.940(a) and (b) or with Department approval, disposed of in a production well equipped with tubing and packer set in accordance with Section 240.760(b) under observation by an inspector from the District Office in which the well is located. If the Department determines through field observations that the disposal activities are endangering the freshwater, the disposal activities shall cease until the condition is corrected. Disposal activities shall not exceed 45 days, after which time the well must be plugged of this Part.
 - C) For new and existing concrete storage structures permitted in accordance with this Subpart and restored after July 1, 1995, the pit residue, not disposed of in accordance with subsection (e)(1)(A) or (B) above, shall be removed from the storage structure site and disposed of at an Illinois

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Environmental Protection Agency permitted non-hazardous special waste landfill provided that concrete storage structures residue containing NORM may be required to be disposed of at a waste facility permitted by the Illinois Department of Nuclear Safety.

D) For existing concrete storage structures not permitted for continued use in accordance with this Subpart by July 1, 1995, and required to be restored, or permitted existing pits restored by July 1, 1995, the pit residue can be buried on site within the concrete structure.

2) If the base of the structure is less than three (3) feet below the ground surface, the structure must be completely dismantled and removed from the site. The surface area shall be leveled and restored in such a manner as to prevent the ponding of water and erosion.

3) If any portion of the structure is below the ground surface, the portion of the structure within three (3) feet of the surrounding surface shall be removed. Any remaining structure must be configured to prevent the accumulation of water within the remaining structure and backfilled to prevent surface ponding and subsidence.

f) Inspection of Concrete Storage Structure

All new and existing concrete storage structures shall be subject to inspection by a Department Well Inspector. If requested at time of the inspection, the concrete storage structure shall be emptied in order to examine the integrity of the structure. The Department may order any remedial work it deems necessary to ensure compliance with Department regulations.

(Source: Amended at 22 Ill. Reg. 22314, effective 2/28/94)

Section 240.860 Pits

a) "Pit", as used in this Section, is a synthetic lined or unlined earthen surface impoundment, whether a man-made excavation or a diked area which was or currently is used for temporary storage of liquid oil field waste or produced water prior to disposal.

b) Construction of pits other than those specified in Subparts E and K of this Part is prohibited.

c) All pits in existence on May 13, 1994 shall be closed, in accordance with subsection (e) below, by July 1, 1995 as follows, unless covered by subsection (d) below, or exempted for continued use in accordance with Section 240.861 or for an alternative use in accordance with Section 240.862.

d) Synthetic lined pits, permitted after May 12, 1989 and before May 13, 1994, shall be restored in accordance with subsection (e) within 5 years after the permit was issued.

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e) Pits shall be restored as follows:

1) All oilfield brine and produced waters ~~liquid--oilfield--waste~~ shall be removed and disposed of in a Class II UIC well.

2) Crude oil bottom sediments shall be disposed of in accordance with Section 240.940(a) and (b) or with Department approval, disposed of in a production well equipped with tubing and packer set in accordance with Section 240.760(b) under observation by an inspector from the District Office in which the well is located. If the Department determines through field observations that the disposal activities are endangering the freshwater, the disposal activities shall cease until the condition is corrected. Disposal activities shall not exceed 45 days, after which time the well must be plugged.

3) For pits required to be closed by July 1, 1995 and not exempted in accordance with Section 240.861, the pit residue, not disposed of in accordance with subsection (e)(1) or (e)(2), and the pit liner, if any, shall either be:

A) removed from the site and disposed of at an Illinois Environmental Protection Agency permitted non-hazardous special waste landfill, provided that pit residue or liner containing NORM with radioactivity levels exceeding background may be required to be disposed of at a waste facility permitted by the Illinois Department of Nuclear Safety; or

B) consolidated from the sides to the bottom of the pit and covered in place with a clay or synthetic liner sufficient to impede the infiltration of surface water and placed at least 5 feet below the ground surface. The pit shall be backfilled and the pit residue covered with 5' of soil having a radioactivity level at or below background level with the upper most 18" consisting of clean soil not contaminated by oilfield brine or crude oil. The backfilled area shall be graded to promote runoff with no depressions that would accumulate or pond water on the surface. The stability of the backfilled pit shall be compatible with the adjacent land use. The surface area over the backfilled pit area shall be stabilized to prevent erosion.

4E) The Department shall prepare an inventory identifying, by county, all closed and unclosed liquid oilfield waste or produced water storage pits. The Department shall file such notice in the county clerk's office in the county in which such pits are located. The notice shall specify the location of the pit, generally identify the nature of the materials buried and, if known, specify the radioactivity level of the material buried. If the radioactivity is not known, the notice shall specify that the buried oil and gas waste may contain Naturally Occurring Radioactive Material (NORM).

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(Source: Amended at 22 Ill. Reg. 22314, effective 1/1/1998)

Section 240.861 Existing Pit Exemption For Continued Production Use

a) Any pit in existence on May 13, 1994 does not have to be closed in accordance with Section 240.860(c) of this Part if presently constructed or an application to reconstruct was received with-be reconstructed by July 1, 1995 as follows:-

b) pits not approved for reconstruction shall be restored within 6 months.

c) Pits exempted under this Part shall be presently constructed or reconstructed as follows:

- 1) The pit must be lined with a synthetic flexible liner that is compatible with the produced fluid and has a coefficient of permeability of no greater than 1×10^{-7} cm/sec and shall be at least 30 mils in thickness. Adjoining sections of liners must be sealed together in accordance with the manufacturer's specifications; and
- 2) The pit must be underlined by a gravel sub-base, at least 4" in thickness, in which slotted or perforated PVC pipe has been placed in order to provide for under pit drainage. This drainage system must be constructed to allow monitoring and sampling of fluid drainage from underneath the pit.

d) Applications for reconstruction shall be approved by the Department ~~At pits shall be--permitted~~ prior to reconstruction of the pit. Applications shall be on a form prescribed by the Department and which shall include the following:

- 1) A map drawn to scale showing the location of the pit relative to the lease boundaries, potable water wells and surface drainage located within 1/4 mile of the existing pit.
- 2) An engineering diagram of the construction specifications of the pit.

3) Soil types in the area of the pit.

4) Chemical analysis of produced water to be temporarily stored in the pit, showing TDS and chlorides.

5) A description of the method for disposal of the produced water or liquid oilfield waste temporarily stored in the pit.

e) All reconstruction activities shall be under the supervision of a Department Well Inspector.

f) Following satisfactory completion of pit reconstruction activities, the Department shall issue a permit to operate.

g) All ~~exempted existing~~ pits shall be in compliance with the following:

- 1) Surface water drainage shall be diverted away from the pit.
- 2) Pit contents shall not be discharged onto the surrounding land surface or into a stream or other body of water unless a permit has been obtained from the Illinois Environmental Protection Agency (IEPA).

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- 3) The pit permit number and the name of the permittee must be posted at the pit location in a legible and visible manner.
- 4) All pits shall be covered with bird netting or other systems designed to keep birds and flying mammals from landing in the pit.

h) All ~~exempted existing~~ pits covered by this Section shall sample, quarterly, the fluid drainage from beneath the pit. The sample shall be analyzed for chlorides by an "independent testing" facility. The results of the analysis shall be maintained at the facility offices, for review upon request, by the Department.

i) If the fluid analysis indicates a leak is present, the Department shall be notified within 5 days and the contents of the pit shall be emptied and properly disposed of and the pit liner repaired.

j) All ~~exempted existing~~ pits covered by this Section shall be subject to inspection by a Department well inspector. If requested at the time of the inspection, the pit shall be emptied in order to examine the integrity of the structure. The Department may order any remedial work it deems necessary to ensure compliance with Department regulations.

k) Pit Abandonment and Restoration Requirements for Exempted Pits

- 1) Prior to liner removal and burial of the pit:

A) All oilfield brine and produced waters liquid-offfield-waste shall be removed and disposed of in a Class II UIC well.

B) Crude oil bottom sediments shall be disposed of in accordance with Section 240.940(a) and (b) or with Department approval, disposed of in a production well

equipped with tubing and packer set in accordance with Section 240.760(b) under observation by an inspector from the District Office in which the well is located. If the Department determines through field observations that the disposal activities are endangering the freshwater, the disposal activities shall cease until the condition is corrected. Disposal activities shall not exceed 45 days after which time the well must be plugged off this Part.

C) Pit residue, not disposed of in accordance with (k)(1)(A) or (B) above, shall be removed from the site and disposed of at an IEPA permitted non-hazardous special waste landfill provided that pit residue containing NORM with radioactivity levels exceeding background may be required to be disposed of at a waste facility permitted by the Illinois Department of Nuclear Safety.

2) The liner must be completely removed from the site and disposed of at a nonhazardous special waste facility permitted by the IEPA. The surface area shall be leveled and pit filled in such manner as to prevent the ponding of water and erosion and allow the site to be returned to original use with no subsidence or leakage of fluids, and where applicable, with sufficient compaction to support farm machinery.

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collection point prior to connection or transfer to a crude oil or gas purchase pipeline. Spills from interstate pipeline or refined product pipeline are not included and are under the jurisdiction of the Illinois Environmental Protection Agency.

b) ~~Spills The following spills of crude oil in excess of 1 barrel, or produced water in excess of 5 barrels, onto the surface of the land (if not contained by containment dikes around tanks) shall be reported immediately to the Department's District Office responsible for the county where the spill occurred. The initial report shall contain at a minimum:~~

- 1) ~~the name of the permittee responsible for the spill; spills--of crude-oil-in-excess-of-one-(1)-barrel;-and~~
- 2) ~~the location of the spill; spills-of-produced-water-in-excess-of ten-(10)-barrels;~~
- 3) ~~the amount of crude oil and saltwater spilled;~~
- 4) ~~the areal extent of the spill;~~
- 5) ~~the cause of the spill;~~
- 6) ~~proposed emergency clean-up action.~~

c) All crude oil spills, regardless of amount, which enter streams, rivers, ponds, lakes, wetlands or other bodies of water, shall be reported immediately to the Illinois Emergency Management Agency (IEMA) and to the Department's District Office responsible for the county where the spill occurred.

d) All spills which are not required to be reported in accordance with subsection (a) or (b) above are subject to clean-up requirements of Section 240.890 and Section 240.895 of this Part.

(Source: Amended at 22 Ill. Reg. 22314, effective DEC 4, 1998)

SUBPART I: LIQUID OIL FIELD WASTE AND SPILLS-RELATED WASTE HANDLING AND DISPOSAL AND SPILL RELATED WASTE

Section 240.905 Application for Permit to Operate a Liquid Oilfield Waste Transportation System

- a) No person shall operate a liquid oilfield waste transportation system without a permit from the Department.
- b) Application for a liquid oilfield waste transportation system permit under this Section shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the non-refundable liquid oilfield waste transportation system permit fee of \$100.00 and the required bond under Subpart Q of this Part.
- c) If the application does not contain all of the required information or documents, the Department shall notify the applicant in writing. The notification shall specify the additional information or documents necessary to process the application, and shall advise the applicant

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(Source: Amended at 22 Ill. Reg. 22314, effective DEC 4, 1998)

Section 240.870 Leaking Unpermitted Drill Hole

Where any fluids are potentially leaking into the freshwater as determined by geologic and field investigation or are leaking onto the surface, through an unpermitted drill hole, the unpermitted drill hole shall be plugged by the current permittee of the lease where the unpermitted drill hole is located if such permittee is operating an injection well or has a permitted Class II well within the lease unit, or contiguous group of leases operated by the same permittee. If the Department receives overwhelming documented geologic and/or engineering evidence that the current permittee of the lease where the leaking drill hole is located is not causing the leak, the Department may require the adjacent permittee to plug the drill hole. Pending plugging of the well, all injection wells within a 1/4 mile radius of the leaking drill hole shall be shut-in until the leaking drill hole is plugged. The leaking or previously leaking drill hole shall be plugged regardless of well status at the time of plugging.

(Source: Amended at 22 Ill. Reg. 22314, effective DEC 4, 1998)

Section 240.875 Leaking Previously Plugged Permitted Well

Where any fluids are potentially leaking into the freshwater zones or to the surface as determined by geologic and field investigation, through a previously plugged permitted well, the well shall be replugged by the permittee responsible for plugging the well. If the permittee is no longer in existence or cannot be located, the well shall be plugged by the current permittee of the lease where the well is located. Pending plugging of the well all injection wells within a 1/4 mile radius of the leaking well shall be shut-in until the leaking well is plugged. The leaking or previously leaking unpermitted well shall be plugged regardless of well status at the time of plugging.

(Source: Added at 22 Ill. Reg. 22314, effective DEC 4, 1998)

Section 240.880 Initial Spill Notification

- a) Applicability
This Section covers spills of crude oil and produced water from tanks, pits, concrete storage structures, containment dikes and flowlines located within the boundaries of an oil and gas lease, unit, or underground gas storage field. Spills from flowlines beyond the lease, unit, or gas storage field boundaries are included if part of a flowline gathering system transporting produced fluids to a central

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that the application will be deemed denied unless the information or documents are submitted within sixty (60) days following the date of notification.

- d) The application shall include:
- 1) The name, address, and business and emergency telephone numbers of the proposed liquid oilfield waste hauler.
 - 2) A brief description of the vehicles to be used in the system; specifying whether vehicles will be owned, leased or otherwise arranged for.
- e) The application for a liquid oilfield waste transportation system permit shall be signed as follows:
- 1) If the system owner is an individual, the application shall be signed by the individual. If the system owner is a partnership, the application shall be signed by a general partner. If the system owner is a corporation, the application shall be signed by an officer of the corporation.
 - 2) In lieu of the signature of the owner or such authorized person, the application may be signed by a person having a power of attorney to sign for such owner or authorized person, provided a certified copy of the power of attorney is on file with the Department or accompanies the application.
 - 3) If the applicant is a corporation, the charter must authorize the corporation to engage in the permitted activity, and the corporation must be incorporated or authorized to do business in the State of Illinois.

(Source: Amended at 22 Ill. Reg. 22311, effective 1/1/1998)

Section 240.926 Liquid Oilfield Waste Transportation System and Vehicle Operating Requirements

- a) All liquid oilfield waste hauling vehicles (tanks) and associated piping and valves must be kept in leak free condition. Any person who gathers, handles, transports, or disposes of liquid oilfield waste without a liquid oilfield waste transportation permit or utilizes the services of an unpermitted person shall upon conviction thereof by a court of competent jurisdiction be fined not less than \$2,000 for a violation and costs of prosecution, and in default of payment of fine and costs, imprisoned for not less than 10 days nor more than 30 days. When the violation is of a continuing nature, each day upon which a violation occurs is a separate offense. (Section 8c of the Act)
- b) Liquid Oilfield Waste Haulers shall only dispose of liquid oilfield waste in accordance with Subparts E and I. Liquid oilfield waste shall not be released on the ground surface or into any fresh water or water drainage-way.
- c) All liquid oilfield waste temporarily stored at a system facility shall be contained in tanks in accordance with Section 240.810 of this

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Part or concrete storage structures in accordance with Section 240.850 of this Part.

d) Liquid oilfield waste shall not be commingled or blended with non-exempt waste under Subtitle C of the federal Resource Conservation and Recovery Act of 1976.

- e) No person shall engage, employ or contract with any other person except a Liquid Oilfield Waste Hauler to transport liquid oilfield waste.
- f) The Department may not issue a Liquid Oilfield Waste Transportation or Vehicle Permit or may revoke a Liquid Oilfield Waste Transportation or Vehicle Permit if:
- 1) The permittee fails to meet permit conditions; or
 - 2) The applicant or permittee is not in compliance with Section 240.250(b) of this Part. ~~the applicant has falsified or otherwise misstated any information on or relative to the permit application;~~
 - 3) ~~the applicant has failed to abate a violation of the Act specified in a final administrative decision of the Department;~~
 - 4) ~~an officer, director, partner, or person with an interest in the applicant, exceeding 5%, failed to abate a violation of the Act specified in a final administrative decision of the Department; or~~
 - 5) ~~the applicant is an officer, director, partner, or person with an interest exceeding 5% in another entity that has failed to abate a violation of the Act specified in a final administrative decision of the Department; (Section 8a of the Act)~~
- g) The Department may revoke a Liquid Oilfield Waste Transportation or Vehicle Permit in accordance with Section 240.251 of this Part.
- h) Failure to comply with provisions of the Act may result in forfeiture of the Liquid Oilfield Waste Transportation bond in accordance with Section 240.1530(b) through (g) of this Part and may be fined not less than \$2,000 for a violation and costs of prosecution, and in default of payment of fine and costs, imprisoned for not less than 10 days nor more than 30 days. (Section 8c of the Act)

(Source: Amended at 22 Ill. Reg. 22311, effective 1/1/1998)

Section 240.1130 Plugging and Temporary Abandonment of Inactive Wells and Certain Class II UIC Wells

- a) Any inactive production well which has not been in operation for 24 consecutive months shall be deemed abandoned, in accordance with Section 240.1600(c) of this Part, and plugged in accordance with Section 240.1140 of this Part unless the well has been temporarily abandoned and Future Use status is approved in accordance with subsection (c) below.
- b) Any Class II UIC well(s) without tubing and packer shall be plugged in

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accordance with Section 240.1140 of this Part unless the well has been temporarily abandoned and Future Use status is approved in accordance with subsection (c) below.

c) The permittee may request Future Use temporary-abandonment status by making written application on forms provided by the Department. The Department shall place the well on temporary abandonment status for an initial 5 year period and issue a Future Use Permit, if the well meets the following conditions (which shall be continuing requirements):

- 1) The well shall have proper bond in effect in accordance with the Act, the permittee must not be delinquent in payment of any annual well fee assessment.
- 2) The well shall have an intact leak free wellhead or be capped with a valve, and configured to monitor casing or annual pressure.
- 3) If the well is an injection well, as defined in subsection (b) of this Section, all injection lines shall be disconnected at the well.
- 4) If the well is a permitted gas well and the well has a sustained gas pressure at the surface, the requirements of subsections (c)(6) and (7) below do not apply.
- 5) The wellhead shall be above ground level.
- 6) The fluid level is no higher than 100 feet below the base of the fresh water as evidenced by an annual fluid level test conducted by the permittee after notice to and under the supervision of the Department, using acoustical or wire line measuring methods. If the Department authorizes the permittee to conduct an annual fluid level test without the presence of a well inspector, the permittee shall report the annual fluid level test on a form prescribed by the Department. The fluid level test shall be conducted annually during the initial 5 year period of temporary abandonment unless the permittee elects to satisfy the requirements of subsection (c)(7)(B) or (C) below.
- 7) If the fluid level, as tested, is higher than 100 feet below the base of the fresh water, the permittee, under the supervision of the Department, shall:

- 2) The well shall have an intact leak free wellhead or be capped with a valve, and configured to monitor casing or annual pressure.

- 3) If the well is an injection well, as defined in subsection (b) of this Section, all injection lines shall be disconnected at the well.

- 4) If the well is a permitted gas well and the well has a sustained gas pressure at the surface, the requirements of subsections (c)(6) and (7) below do not apply.

- 5) The wellhead shall be above ground level.

- (6) The fluid level is no higher than 100 feet below the base of the fresh water as evidenced by an annual fluid level test conducted by the permittee after notice to and under the supervision of the Department, using acoustical or wire line measuring methods. If the Department authorizes the permittee to conduct an annual fluid level test without the presence of a well inspector, the permittee shall report the annual fluid level test on a form prescribed by the Department. The fluid level test shall be conducted annually during the initial 5 year period of temporary abandonment unless the permittee elects to satisfy the requirements of subsection (c)(7)(B) or (C) below.

- 7) If the fluid level, as tested, is higher than 100 feet below the base of the fresh water, the permittee, under the supervision of the Department, shall:

- A) set a cast iron plug within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the fresh water, remove any fluid to a level at least 100 feet below the base of the fresh water zone, and monitor the fluid level annually in accordance with subsection (c)(6) above; or
- B) set a cast iron plug within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the fresh water, and pressure test the casing by maintaining a pressure of 300 PSIG (which may vary no more than 5%) for a period of 30 minutes ~~at least once every 5 years during any~~

- B) set a cast iron plug within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the fresh water, and pressure test the casing by maintaining a pressure of 300 PSIG (which may vary no more than 5%) for a period of 30 minutes ~~at least once every 5 years during any~~

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C) **period-of-temporary-abandonment; or**
install tubing and set a packer in accordance with the requirements of Section 240.740, and conduct an internal mechanical integrity test in accordance with Section 240.760 of this Part.

- C) install tubing and set a packer in accordance with the requirements of Section 240.740, and conduct an internal mechanical integrity test in accordance with Section 240.760 of this Part.

- d) If a Future Use request is denied for a well within the initial 5 year Future Use status period, the permittee shall, within 90 days, plug the well or correct the deficiency that caused the denial and secure an approved a Future Use Permit.

- e) Future Use status shall not be extended beyond an initial 5, year cumulative period of time over the life of for a Class II UIC well. At the end of the 5 year cumulative period the well shall be plugged in accordance with Subpart K of this Part, successfully tested in accordance with Section 240.760 of this Part, or converted to a production well by removing the tubing and packer and permitting the well in accordance with subsection (b) of this Section. If the Class II well is part of a gas storage field, the well may be converted to an observation well and permitted in accordance with Subpart R of this Part.

- f) A Class II well during the initial 5 year Future Use status period may not be converted to a water supply or observation well, prior to performing a successful mechanical integrity pressure test in accordance with Section 240.760(g). Future-Use status shall be granted for an initial 5-year period. After the expiration of the initial 5-year period, Future-Use status for production wells may be extended on an annual basis in accordance with Section 240.760(h). At the end of the initial 5-year period the well shall be plugged in accordance with Subpart K of this Part, successfully tested in accordance with subsection (e)(7)(B) above or Section 240.760 of this Part, or converted to a production well by removing the tubing and packer and permitting the well in accordance with subsection (b) above. If the Class II well is part of a gas storage field, the well may be converted to an observation well and permitted in accordance with Subpart R of this Part.

- Class II wells in Future Use status for less than 5 years as specified in subsection (c) of this Section shall not be reactivated until tubing and packer is set and an internal mechanical integrity test is passed in accordance with Section 240.760 of this Part. Future-Use status shall not be terminated until the well is active for a period of one year and a Future-Use termination request is approved by the Department. Future-Use termination requests shall be on a form prescribed by the Department and shall be accompanied by evidence of the sale of oil or natural gas during the preceding 12-month period.

- h) Future Use status for production wells shall not be terminated until the well is active for a period of one year and a Future Use termination request is approved by the Department. Future Use termination requests shall be on a form prescribed by the Department and shall be accompanied by evidence of the sale of oil or natural gas

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during the preceding 12 month period. injection--or--disposal--wells shall--not--be--reactivated--until--tubing--and--packer--is--set--and--an internal--mechanical--integrity--test--is--passed--in--accordance--with Section--240-760--of--this--Part.

- 1) After the expiration of the initial 5 year period, the permittee of wells on Future Use status, which are located in a producing unit or on a producing lease, will be granted, upon request, an annual extension of Future Use status provided the wells remain in compliance with subsection (c) of this Section and the lease or unit remains in production. Future Use status for production and observation wells shall be granted for an initial 5 year period. After the expiration of the initial 5 year period, the permittee of wells on Future Use status on a non-producing lease or unit shall be denied an extension of Future Use status and the wells shall be plugged within 6 months from the date of the denial unless Future Use status is requested, in accordance with Section 240.1131 of this Part, within 60 days. The person's or permittee's failure to request Future Use extension, in accordance with Section 240.1131 of this Part, shall constitute a waiver of all legal rights to contest the Future Use request denial decision, which shall become a final administrative decision pursuant to Section 10 of the Act.

(Source: Amended at 22 Ill. Reg. 22314, effective DEC 14 2006)

Section 240.1131 Extension of Future Use Status for Production Wells

- a) The--permittee--of--wells--on--Future--Use--status--which--are--located--in--a producing--unit--or--on--a--producing--lease--will--be--granted--upon--request--an--annual--extension--of--Future--Use--status--provided--the--well--remains--in compliance--with--Section--240-1130(c)--and--the--lease--or--unit--remains--in production;
- b) The permittee of wells on Future Use status and other inactive producing or injection wells that are required to be in Future Use status in accordance with Section 240.1130(a) of this Part and are wells located on the same in--a non-producing unit or on--a non-producing lease shall petition the Department for Future Use extension within 60 days after denial of a Future Use request following the expiration of the initial 5 year period. require submission--by--the--permittee--and--review--by--the--Department--of--the following--information--prior--to--extension--of--Future--Use--status.
- The petition for Future Use extension shall contain:
- 1) Cumulative production from the well on Future Use status for the unit or lease where the Future Use status well and other non-producing wells are located;
 - 2) Production records for the past 5 years for all wells on the unit or lease;
 - 3) Estimated remaining reserves with supporting documentation and a

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description of the reservoir geology underlying the unit or lease; and

4) Future plans for all wells on the unit or lease the well.

c) Upon receipt of the petition, the Department shall review the documentation to determine the status of the other inactive wells on the non-producing unit or lease, which shall be subject to all Future Use extension requirements, and schedule a hearing. Wells not approved for extension of Future Use status shall be plugged--within--6--months from--the--date--of--denial--unless--the--permittee--requests--a--hearing--in accordance--with--subsection--(d)--below.

- d) All hearings under Subpart N of this Part shall be conducted by a non-Departmental hearing officer and shall be held in the Department's offices located in Springfield, Illinois. A permittee may request a hearing to challenge a Future Use extension denial if such hearing is requested in writing within 30 days after the date of the denial of the Future Use extension notice. All requests for a hearing must be accompanied by documents evidencing basis for objection. If no hearing is requested in this time period, the Future Use extension denial shall be a final administrative decision of the Department and the well shall be plugged in accordance with subsection (c) above. If a hearing is requested by the permittee:

- 1) A pre-hearing conference shall be held within 15 days after the receipt of the request for hearing.
- A) A pre-hearing conference shall be scheduled in order to:
- i) Simplify the factual and legal issues presented by the hearing request;
 - ii) Receive stipulations and admissions of fact and of the contents and authenticity of documents;
 - iii) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing;
 - iv) Set a hearing date; and
 - v) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion thereof.
- B) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties.
- 2) All hearings under Subpart N of this Part shall be conducted by a non-Departmental hearing officer and shall be held in the Department's offices located in Springfield, Illinois.
- e) A pre-hearing conference may be held after the receipt of the request for hearing.
- 1) A pre-hearing conference shall be scheduled in order to:
 - A) Simplify the factual and legal issues presented by the hearing request;
 - B) Receive stipulations and admissions of fact and of the contents and authenticity of documents;
 - C) Exchange lists of witnesses the parties intend to have

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testify and copies of all documents the parties intend to introduce into evidence at the hearing;

- D) Set a hearing date; and
 E) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion.

- 2) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties.

f) At the Future Use extension denial hearing, the permittee shall present evidence in support of the Future Use status extension request its determination under subsection (b) above. The Department may ask questions or request additional information from the permittee during the hearing the permittee may present evidence contesting the Department's determination under subsection (b) above. The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of materials, compel discovery, and take evidence.

g) Within 30 days after the close of the record for the Future Use extension denial hearing, the hearing officer shall issue a final administrative decision, pursuant to Section 10 of the Act.

h) If Future Use status is approved, all other inactive wells on the non-producing unit or lease shall be placed in the same status as the well for which the Future Use status extension was approved.

i) Wells not approved for extension of Future Use status, and all other inactive wells located on the same non-producing unit or lease as specified in subsection (a) of this Section, shall be plugged within 6 months from the date of the Department's final administrative decision.

g) The person's or permittee's failure to request a hearing in accordance with subsection (d) above shall constitute a waiver of all legal rights to contest the future use denial decision within 90 days after the close of the hearing record or expiration of the time to request a hearing; the hearing officer shall issue a final administrative decision pursuant to Section 10 of the Act.

(Source: Amended 1998, 22 Ill. Reg. 22314, effective 1/1/98)

SUBPART N: ISSUANCE OR TRANSFER OF PERMIT TO OPERATE

Section 240.1400 Definitions

As used in this Subpart:

- a) "Current Permittee" means the individual or entity required to hold the permit or to whom the permit has been issued and who is the owner of the right to drill and/or produce said well(s), possesses the full rights and responsibilities for operating the well(s) in accordance with all requirements of the Illinois Oil and Gas Act [225 ILCS 725]

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("Act") and has the current obligation to plug said well(s), who is the assignor, transferor (whether voluntary or involuntary) or seller of the well or wells.

- b) "New Permittee" means the individual or entity acquiring the well or wells and the right to drill and/or produce said well(s), the full rights and responsibilities for operating the well(s) in accordance with the Act, and the current obligation to plug said well(s), and who as owner in accordance with the Act is required to hold the permit and who is not required to maintain a bond in accordance with Section 240.1500 of this Part.

c) "Proposed New Permittee" means the individual or entity acquiring the well or wells and the right to drill and/or produce said well(s), the full rights and responsibilities for operating the well(s) in accordance with the Act, and the current obligation to plug said well(s), and who as owner in accordance with the Act is required to hold the permit and who is required to maintain a bond in accordance with Section 240.1500 of this Part.

d) "New Base Lease base-lease", as used in this Subpart, refers to a lease executed by the mineral owner and new permittee for a tract of land containing production and/or injection wells previously operated pursuant to a lease held by the current permittee.

e) "Operator" means the individual or entity controlling the right to drill and/or produce said well(s), has the full rights and responsibilities for operating the well(s) along with the obligation to ultimately plug said well(s) under an operating agreement with the owner(s) in interest.

f) "Operating Agreement" means a written document which conveys or grants the right to drill and/or produce certain well(s), along with the full rights and responsibilities for operating the well(s) as well as the current obligation to plug said well(s); requires the transferee or grantee to comply with all requirements of the Act including the payment of annual well fees; and requires the transferee or grantee to add said well(s) to the Operator's Annual Well Fee listing with the Department of Mines--and--Minerals by becoming the permittee for the well(s).

g) "PRF Well" means a well designated as abandoned in accordance with Subpart P of this Part and that has been placed in the plugging and Restoration Program established under Section 19.6 of the Illinois Oil and Gas Act.

(Source: Amended at 22 Ill. Reg. 22314, effective 1/1/98)

Section 240.1410 Applicability

- a) The provisions of this Subpart apply to all assignments, transfers (whether voluntary or involuntary) and sales of the interest of the individual or entity required to hold and to whom the permit is issued

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(permittee), including:

- 1) a change of ownership of the right to drill and/or produce said wells, along with the full rights and responsibilities for operating the wells in accordance with the Act and the obligation to ultimately plug said wells through assignment, voluntary release, corporate or other business takeover, buyout, merger or similar transaction, involuntary termination of lease rights by court order, new base lease, sale, gift, devise or other transfer; or
 - 2) a change in the designation of the operator or manager under an operating or other similar agreement in which the owner of the right to drill and/or produce said wells, along with the full rights and responsibilities for operating the wells in accordance with the Act and the obligation to ultimately plug said wells assigns that right; or
 - 3) pursuant to the action of the owners of separate interests who designate an owner to be permittee; or
 - 4) the appointment, by a court of competent jurisdiction, of a trustee or a receiver to exercise custody and control over the well or wells, including the right to drill and/or produce said wells along with the full right and responsibilities for operating the wells.
- b) The provisions of this Subpart shall not apply to the assignment, transfer or sale of royalty, overriding royalty or fractional working interests not affecting the rights or responsibilities of the permittee.
- c) The provisions of this Subpart shall also apply to transfers of PRF wells to a person or entity requesting to be permittee in accordance with the Act and to administrative record correction transfers initiated by the Department in which the Department transfers the permit or to a well to the person who is required to be the permittee for that well under the Act.

(Source: Amended at 22 Ill. Reg. 22314, effective 11/14/1998)

Section 240.1420 When Notification to-be-Made

- a) Notification shall be given to the Department, on a form prescribed by the Department, of the assignment, transfer or sale of any permitted well or any well required to be permitted under the Act shall be made within 30 days after the effective date of the assignment, transfer or sale. New permittees that acquire the right to operate wells pursuant to either a voluntary release, involuntary termination of lease rights by court order or new base lease shall apply for and receive a permit transfer from the Department prior to operating such wells.
- b) New permittees may operate wells covered by the notification of transfer in accordance with Section 240.1460(d) of this Part.

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- c) New permittees that acquire the right to operate wells pursuant to either a voluntary release, involuntary termination of lease rights by court order, or a new base lease shall apply to and receive a permit transfer from the Department prior to operating the wells. If the wells requested to be transferred are PRF wells, the new permittee shall be in compliance with Section 240.1465 of this Part prior to operating the well.
- d) Proposed new permittees shall not operate wells or PRF wells covered by the notification of transfer until a bond has been submitted and accepted in accordance with Section 240.1500 of this Part and the transfer request approved by the Department.

(Source: Amended at 22 Ill. Reg. 22314, effective 11/14/1998)

Section 240.1425 Authority of Person Signing Transfer Notification

- a) The notification to transfer a permitted well or a well required to be permitted under the Act shall provide information to indicate whether the owner of the right to drill and to operate the well is an individual, partnership, corporation or other entity, and shall contain the address and signature of the owner or person authorized to sign for such owner unless such information is currently on file with the Department.
- b) If the owner is an individual, the notification shall be signed by the individual. If the owner is a partnership, the notification shall be signed by a general partner. If the owner is a corporation, the notification shall be signed by an officer of the corporation.
- c) In lieu of the signature of the owner or such authorized person, the notification may be signed by a person having a power of attorney to sign for such owner or authorized person, provided a certified copy of the power of attorney is on file with the Department or accompanies the notification.

(Source: Amended at 22 Ill. Reg. 22314, effective 11/14/1998)

Section 240.1430 Responsibilities of Current Permittee

- a) The current permittee shall notify the Department of the assignment, transfer or sale on a form prescribed by the Department, unless the transfer was due to an involuntary termination of lease rights by court order. The new permittee shall notify the Department of an involuntary well transfer. A separate form shall be completed for each lease, well, or other unit assigned, transferred or sold. The notification shall be signed, under penalty of perjury, by the current permittee and by the new permittee or the permittee's their authorized representatives, and shall include:

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- a) the names--and--addresses--of--the--current--permittee--and--the--new permittee;
- b) the effective date of assignment; transfer or sale;
- b) The Department may request copies of the lease assignment, voluntary release, court order involuntarily terminating a lease, or other documents evidencing the assignment, transfer or sale to the new permittee of the right to drill and operate the well or wells on the lands in question, if these documents are not provided by the new permittee or proposed new permittee;
- d) the name, location, and permit number of all wells--on--the--lease--or other unit--assigned, transferred or sold--for which a permit has been issued,--and
- e) the location of any--wells--on--the--lease--or--other--unit--assigned transferred or sold--known--to--the--current--permittee--for which no permit has previously been issued;

(Source: Amended at 22 Ill. Reg. 22314, effective 11/10/98)

Section 240.1440 Responsibilities of New Permittee or Proposed New Permittee

Prior to the Department effecting the transfer, the new permittee or proposed new permittee shall:

- a) pay the required non-refundable transfer fee as follows: A fee of \$15 per well shall be paid by the new owner for each transfer of well ownership, except that when multiple wells are acquired and transferred as a part of the same transaction, the fee shall be calculated at the rate of \$15 per well for the first 50 wells, and \$10 for each additional well in excess of 50 wells [225 ILCS 725/14];
- b) provide the required bond, if applicable, in accordance with Subpart 0;
- c) if the new permittee is a corporation, provide evidence that the corporation is incorporated or authorized to do business in the State of Illinois, and authorized under its charter to engage in the permitted activity;
- d) if the new permittee is an individual, partnership, or other unincorporated entity that is not a resident of Illinois, provide an irrevocable consent to be sued in Illinois; and
- e) if issued, submit an FFIN number;
- f) submit to the Department a copy of the instrument conveying the right to drill and produce. The document shall consist of:
- 1) a lease assignment properly recorded in the county where the lease is located; or
 - 2) a voluntary release executed by the lessee and properly recorded in the county where the lease is located or a court order involuntarily terminating a lease; or
- 3) a court order involuntarily terminating a lease; or
- 3) any other document evidencing the assignment, transfer or sale

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- to the new permittee of the right to drill and operate the well(s) on the land in question;
- g) if the transfer request is for a PRF well, the new permittee or proposed new permittee shall comply with Section 240.1665 of this Part.

(Source: Amended at 22 Ill. Reg. 22314, effective 11/10/98)

Section 240.1460 Other Conditions for and Effect of Issuance or Transfer of Permit to Operate

- a) No permit shall be issued to or transferred to a new permittee or proposed new permittee where:
- 1) the applicant has falsified or otherwise misstated any information on or relative to the permit application;
 - 2) the applicant has failed to abate a violation of the Act specified in a final administrative decision of the Department;
 - 3) an officer, director, or partner in the applicant, or person with an interest in the applicant exceeding 5%, was an officer, director, partner, or person with an interest exceeding 5% in another entity that failed to abate a violation of the Act specified in a final administrative decision of the Department; or
 - 4) the applicant is an officer, director, partner, or person with an interest exceeding 5% in another entity that has failed to abate a violation of the Act specified in a final administrative decision of the Department (Section 8a of the Act);
 - 5) funds have been obligated and remain outstanding from the Plugging and Restoration Fund to plug wells, under Subpart P of this Part, for which the applicant new permittee was a previous permittee, or the applicant new permittee was an officer, director, partner, or person with an interest exceeding 5% in a permittee for which funds were obligated; or an officer, director, or partner in the applicant, or person with an interest in the applicant exceeding 5% was an officer, director, partner or person with an interest exceeding 5% in a permittee for which funds were obligated; or
 - 6) the new permittee is delinquent in the payment of Annual Well Fees; or the applicant is an officer, director, partner, or person with an interest exceeding 5% in another permittee who is delinquent in payment of Annual Well Fees; or an officer, director, or partner in the applicant, or person with an interest in the applicant exceeding 5% was an officer, director, partner or person with an interest exceeding 5% in a permittee who is delinquent in payment of Annual Well Fees.
- b) The entity or person to whom the permit is transferred or issued shall be called the permittee and shall be responsible for all regulatory

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requirements relative to the well.

c) When the requirements of this Subpart have been satisfied, and subject to subsections (d) and (e) below, the Department shall render permit transfer decisions based upon the manner in which the new permittee or proposed new permittee came into possession of the wells sought to be transferred. Specifically:

- 1) the a new permittee or proposed new permittee requesting the transfer who is the mineral owner:
 - if the new permittee or proposed new permittee owns the mineral rights to the tract of land on which production or injection wells subject to a prior lease are located and came into possession of the right to operate such wells by virtue of a voluntary release or involuntary termination of lease rights by court order, this new permittee shall become responsible for all regulatory requirements relative to:
- A) only those each production wells well identified in the new permittee's permit transfer request application;
- B) all wells in existence within the prior lease if the new permittee or proposed new permittee seeks to operate any of the injection wells located within this leasehold, convert any production well to an injection well or drill a new injection well; and
- C) all pits, concrete storage structures, tank batteries and other surface production facilities in existence within the lease boundaries.

- 2) the new permittee or proposed new permittee requesting the transfer is a new base lessee:

if the new permittee or proposed new permittee came into possession of the right to operate wells by virtue of a new base lease, the this new permittee or proposed new permittee shall provide documentation indicating the termination of the original lease and shall become responsible for all regulatory requirements relative to only the wells identified within the new base lease document except that:

A) the new permittee shall only become responsible for all regulatory requirements relative to the wells identified on the notification of transfer form submitted in accordance with Section 240.1430 of this Part; and

B) if the new base lease conveys the right to produce from all formations, and the new base lessee permits or operates any injection well located within the tract of land being leased, converts any production well to an injection well or drills a new injection well within this area, the this new base lessee permittee shall become responsible for all regulatory requirements relative to all wells, concrete storage structures, pits and tank batteries in existence within such tract of land and all wells producing from or open to the formation into which injection will occur; or

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B) if the new base lease conveys the right to produce from specified formations only, and the new base lessee specifies permits or the permittee operates any injection well located within the formations specified in the new base lease, converts any production well to an injection well or drills a new injection well to the specified formations, this new base lessee permittee shall become responsible for all regulatory requirements relative to all wells drilled to and completed in the same formation as the injection well, and all concrete storage structures, pits and tank batteries in existence relative to that formation.

- 3) a new permittee or proposed permittee requesting the transfer who is an assignee if the new permittee or proposed new permittee came into possession of the right to operate wells by virtue of a lease assignment or appointment, by a court of competent jurisdiction, as trustee or receiver, in accordance with Section 240.1410(a)(4) of this Part, 7 This this new permittee or proposed new permittee shall become responsible for all regulatory requirements relative to all wells, concrete storage structures, pits and tank batteries in existence within the lease hold being assigned.

- c) If any well, or any lease or other unit associated with the well, is in violation of the Act or this Part at the time of the transfer to the new permittee or proposed new permittee, the new permittee or proposed new permittee shall be notified of the violations and the amount of time allotted by the Department for abatement.

- d) The current permittee (Seller) is not liable for any violation of the Act caused by the actions of the new permittee (Buyer) during the permit transfer process, after notice is given to the Department by the current permittee of the pending transfer. However, if the transfer is denied by the Department, the current permittee assumes all responsibility for the violations of the Illinois Oil and Gas Act caused by the proposed new permittee. Nothing in this subsection (d) shall affect the contractual rights and obligations of the Seller and Buyer.

- e) The transfer of a permit pursuant to this Subpart shall not affect the rights of the Department, or any obligation or duty of the current permittee arising under the Act and this Part. Any cause of action accruing or any action or proceeding had or commenced, whether administrative, civil or criminal, may be instituted or continued without regard to the transfer of the permit in accordance with this Subpart.

- f) A current permittee or new permittee or proposed new permittee may request a hearing in accordance with Section 240.1490 to challenge the Department's a permit transfer decision.

(Source: Amended at 22 Ill. Reg. 22374, effective 1/1/1998)

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Section 240.1465 Condition for and Effect of Transfer of PRF Wells

- a) When a transfer request is received for a PRF well or wells, the following documentation must be submitted by the new permittee or proposed new permittee:
- 1) a signed new base lease properly recorded in the county where the well(s) are located; and
 - 2) a copy of an affidavit of non-production signed by the mineral owner(s) and properly recorded in the county where the well(s) are located, or a court order terminating the lease on which the well(s) are located.
- b) Upon review and acceptance of the transfer documents and prior to approval of the transfer request, the new permittee or proposed new permittee shall be required to:
- 1) pay a salvage value for the downhole well equipment as follows (wells older than 30 years from the date drilled, as shown in Department files, shall be deemed to have \$0 salvage value):
 - A) \$50 per well for wells 750 feet or less in depth; and
 - B) \$100 per well for wells greater than 750 feet but less than 2000 feet in depth; and
 - C) \$250 per well for wells 2000 feet and greater in depth; and
 - 2) pay a salvage value for the tanks, pumping units, and other related equipment, as determined by submission of 2 independent salvage value estimates from commercial salvage oil and gas production equipment dealers and approved by the Department; and
 - 3) pay the fair market value per barrel, to be determined at the time of the transfer approval, for all oil fluids (hydrocarbons) stored on the lease or unit.
- c) All payments shall be by cashier's checks, payable to the Department of Natural Resources, Plugging and Restoration Fund.
- d) If a well requested to be transferred has been active within the two year period immediately preceding the transfer request or accompanying assignment and no court order has been entered terminating the lease, the Department may transfer the well without payment of the above salvage values.
- e) The Department has sole discretion to approve or deny requests for transfer of PRF wells. If, upon review of a transfer request for PRF wells, the Department determines that property rights or environmental or public safety and welfare concerns will be advanced through plugging of the PRF well, in accordance with Section 19.1 of the Act, the transfer request may be denied.

(Source: Added at 22 Ill. Reg. 22314, effective March 4, 1998)

Section 240.1470 Revocation of Permit to Operate ~~Transfer~~

- a) The Department may shall revoke a permit to operate ~~transfer~~ if:

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- 1) The transfer of the permit to operate was issued in error; or
 - 2) The current permittee fails to maintain permit conditions; or ~~The applicant-failed-or-otherwise-mistated-any-information-on-or-relative-to-the-transfer-request.~~
 - 3) The current permittee is not in compliance with Section 240.1460(a) of this Part. ~~The-applicant-failed-to-abate-a-violation-of-the-Act-specified-in-a-final-administrative-decision-of-the-Department.~~
 - 4) ~~An-officer-director-partner-or-person-with-an-interest-in-the-applicant-exceeding-5%-failed-to-abate-a-violation-of-the-Act-specified-in-a-final-administrative-decision-of-the-Department; or~~
 - 5) ~~The-applicant-is-an-officer-director-partner-or-person-with-an-interest-exceeding-5%-in-another-entity-that-has-failed-to-abate-a-violation-of-the-Act-specified-in-a-final-administrative-decision-of-the-Department.~~ (Section 9a of the Act)
- b) The Department shall notify the permittee of its intent to revoke a permit to operate transfer effective 30 days from the date of notice unless a hearing is requested in accordance with Section 240.251(c) of this Part.

(Source: Amended at 22 Ill. Reg. 22314, effective March 4, 1998)

Section 240.1480 Involuntary Administrative-Record-Correction Transfer

- a) The Department may administratively transfer a permit to a person required to be the permittee under the Act when the Department determines, based on records or end documents of title submitted to or collected by the Department that may indicate that the current permittee of the well or wells is not the an owner of the well or wells as defined in the Act, and:
- 1) ~~the-actual-safety-assignment--or-similar-transfer-transaction-between-the-parties-occurred-before-September-26, 1991; or~~
 - 2) ~~the-transfer-was-not-made-by-the-Department--due-to-a-sterical oversight-during-a-previous-transfer.~~
- b) The new permittee or proposed new permittee shall pay the required transfer fee for transfers occurring under the provisions of this Section ~~that-are-dated-after-September-26, 1991.~~
- c) Transfers occurring under the provisions of this Section shall not be subject to the requirements of Section 240.250(b) ~~240.1460(a)~~ of this Part.
- d) Prior to operating the transferred wells the permittee must provide a bond, if required, in accordance with Section 240.1500(a)(1) and (2).
- e) Upon determination of an Involuntary Administrative-Record-Correction Transfer, the Department shall notify the current and new permittees ~~that of the pending administrative transfer which will be effective 30 days from the date of notice unless a hearing is requested in~~

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accordance with Section 240.1490 below.

- f) Following the completion of the administrative transfer, the person to whom the well or wells were transferred shall immediately become responsible for all regulatory requirements under the Act.

(Source: Amended at 22 Ill. Reg. 22314, effective DEC 4 1998)

Section 240.1485 Administrative Record Correction

- a) The Department may administratively correct a permit to reflect the person or entity required to be the permittee under the Act, when the Department determines, based on Department records, that the transfer was not made by the Department due to an administrative oversight during a previous transfer.
- b) The new permittee or proposed new permittee under this Section shall pay the required transfer fee for the record correction if the date of the original transfer occurred after September 26, 1991.
- c) Record corrections occurring under the provisions of this Section shall not be subject to the requirements of Sections 240.1460(a) and 240.1500(a)(1) and (2) of this Part.
- d) Upon determination of an Administrative Record Correction, the Department shall notify the current and new permittees of the correction, which will be effective immediately, the new or proposed new permittee shall have 30 days from the date of notice to request a hearing to contest the record correction in accordance with Section 240.1490 of this Part.

(Source: Added at 22 Ill. Reg. 22314, effective DEC 4 1998)

Section 240.1490 Transfer Hearings

- a) A current or proposed new permittee may request a hearing to challenge a permit transfer or denial decision if such hearing is requested in writing within 30 days after the date of the transfer or denial notice. All requests for hearing must be accompanied by documents evidencing basis for objection. If no hearing is requested in this time period, the permit transfer shall be a final administrative decision of the Department. If a hearing is requested by the current or new permittee:

- 1) A pre-hearing conference may shall be held within 30 fifteen-tis days after the receipt of the request for hearing.
- A) A pre-hearing conference shall be scheduled in order to:
 - i) Simplify the factual and legal issues presented by the hearing request;
 - ii) Receive stipulations and admissions of fact and of the contents and authenticity of documents;

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- iii) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing;
- iv) Set a hearing date; and
- v) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion thereof.

B) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties.

- 2) All hearings under this Subpart N shall be conducted by an impartial hearing officer not employed by the Department and shall be held in the Department's offices located in Springfield, Illinois.

b) At the permit transfer hearing, the Department shall present evidence in support of its determination under subsection (a) above. Both the current and the new permittee may present evidence contesting the Department's determination under subsection (a) above. The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery, and take evidence.

c) Within thirty-t 30 days after the close of the record for the permit transfer hearing, the hearing officer shall issue recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case.

d) The person or permittee's failure to request a hearing in accordance with subsection (c) shall constitute a waiver of all legal rights to contest the permit transfer decision. Within 30 days after the close of the hearing record or expiration of the time to request a hearing, the Department shall issue a final administrative decision, pursuant to Section 10 of the Act.

e) The Director shall review the administrative record in conjunction with the hearing officer's recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case. The Director shall then issue the Department's final administrative decision affirming, vacating or modifying the hearing officer's decision.

(Source: Amended at 22 Ill. Reg. 22314, effective DEC 4 1998)

SUBPART O: BONDS

Section 240.1500 When Required, Amount and When Released

- a) To Drill, Deepen, Convert or Operate an Oil or Gas Well
 - 1) A bond, in the amount as herein provided, shall be submitted along with an application to drill, deepen, convert, operate or transfer a production or Class II well if:

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- A) such applicant was not an owner on September 26, 1991 of the right to drill and produce the well or wells in the transfer request; or
- B) such applicant was not a permittee of record on September 26, 1991; or
- C) such applicant has had a bond forfeited or is the subject of an unappealed, unabated Department final administrative decision requiring wells to be plugged abandoned-well-order for non-payment-of-annual-well-fees; or
- D) such applicant was not assessed an annual well fee as of July 1 preceding the application date, unless applicant was a permittee of record of an unplugged well in the previous fiscal year and not the subject of an unappealed, unabated Department final administrative decision; or
- E) such applicant has had funds expended and/or wells plugged on its behalf by the Department using funds from the plugging and Restoration Fund; or
- F) such applicant is not an appointed trustee or receiver in accordance with Section 240.1410(a)(4) of this Part.
- 2) When a bond is required to be filed with the Department to drill, deepen, convert or operate an oil or gas well, the amount of the bond shall be:
- A) \$1,500 for a well less than 2000 feet deep;
- B) \$3,000 for a well 2,000 or more feet deep;
- C) \$25,000 for up to 25 wells of a permittee;
- D) \$50,000 for up to 50 wells of a permittee; or
- E) \$100,000 for all wells of a permittee.
- 3) Failure to provide the required bond will result in the issuance of a cessation of operations order in accordance with Section 240.185(b) of this Part.
- 4) A bond submitted pursuant to Section 240.1500(a) shall be released when:
- A) all wells covered by the bond are plugged and restored in accordance with Subpart N of these rules; or
- B) all wells covered by the bond are transferred in accordance with Subpart N of these rules; or
- C) the permittee has paid assessments to the Department in accordance with Section 19.7 for 2 consecutive years and such permittee is not in violation of the Act.
- b) To Operate a Liquid Oilfield Waste Transportation System
The amount of bond required to be filed with the Department before a permit is issued authorizing a person to operate a liquid oil field waste system shall be \$10,000. When requested by permittee, bond shall be released when the permittee ceases operation and this system and such permittee's system is not in violation of the Act.
- c) To Drill a Test Hole
The amount of bond required to be filed with the Department before a permit is issued to drill a geological structure, coal or other

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mineral test hole, or a monitoring well in connection with any activity regulated by the Department shall be \$500 for each permit or a blanket bond of \$25,000 for all permits. The bond requirements of this Subpart shall not apply to a hole or well drilled on acreage permitted and bonded under the Surface-Mined Land Conservation and Reclamation Act [225 ILCS 715] or the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720]. When requested by permittee, bonds shall be released when the hole or holes are plugged and restored in accordance with Section 240.1260 and the permittee is not in violation of the Act.

(Source: Amended, at 22 Ill. Reg. 22311, effective 22311)

Section 240.1510 Definitions

- a) Bond means surety bond or other security in lieu thereof.
- b) Surety bond means an indemnity agreement in a sum certain payable to the Department, executed by the permittee as principal and which is supported by the guarantee of a corporation authorized to transact business as a surety in Illinois. Surety bond does not include surplus line insurance procured by a surplus line producer.
- c) Other security means an indemnity agreement in a sum certain executed by the permittee as principal which is supported by the deposit with the Department of one or more of the following:
- 1) A-cash-account-which-shall-be-the-deposit-of-cash-in-one-or-more-federally-insured-or-equivalently-protected-accounts-payable only-to-the-Department-upon-demand
- 2) An irrevocable letter of credit of any bank organized or authorized to transact business in Illinois, payable only to the Department upon presentation;
- 3) Certificates of deposit, drawn on a federally insured bank, made payable or assigned to the Department and placed in its possession.

(Source: Amended, at 22 Ill. Reg. 22314, effective 22314)

Section 240.1520 Bond Requirements

- a) Form
Bonds shall be in such form and content as the Department prescribes, payable to the "Illinois Department of Natural Resources Mines--and Minerals."
- b) Conditions Generally
1) Each bond shall conform with the requirements of the Act and this Part and with the declared purpose for which the bond is required.

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- 2) Bonds shall remain in effect until the obligations for which it is given have been satisfied and the bond has been released by the Department, pursuant to the Act and this Subpart.

c) Surety Bond Requirements

- 1) Bonds shall be signed by the permittee as principal, and by a good and sufficient corporate surety, authorized to transact business as a surety in Illinois.
- 2) Each surety bond shall provide that the bond shall not be cancelled by the surety except after not less than ninety-(90) days notice to the Department. Such notice shall be served upon the Department in writing by registered or certified mail to the Department's Springfield offices.
- 3) Prior to the expiration of the ninety-(90) days notice of cancellation, the permittee shall deliver to the Department a replacement bond. If such bond is not delivered, all activities covered by the permit and bond shall cease at the expiration of the ninety-(90) day period.
- 4) If the license to transact business in Illinois of any surety upon a bond filed with the Department shall be suspended or revoked, the permittee, within thirty-(30) days after receiving notice thereof from the Department, shall make substitution by providing a surety bond or other security as required by this Subpart. Upon the failure of the permittee to make the substitution of bond, all activities covered by the permit and bond shall cease until substitution has been made.

d) Other Securities Requirements

- 1) Letters of credit shall be subject to the following conditions:

- A) The letter may only be issued by a bank organized or authorized to do business in the United States ("issuing bank"). If the issuing bank does not have an office for collection in Illinois, there shall be a confirming bank designated that is authorized to accept, negotiate and pay the letter upon presentment in Illinois.
- B) Letters of credit shall be irrevocable during their terms. A letter of credit shall be forfeited and shall be collected by the Department if not replaced by other suitable bond or letter of credit at least thirty-(30) days before its expiration date.
- C) The letter of credit shall be payable to the Department upon demand, in part or in full, upon receipt from the Department of a notice of forfeiture issued in accordance with Section 240.1530.
- D) The Department shall not accept a letter of credit in excess of ten-percent-(10%) of the issuing bank's total capital and surplus accounts, as certified by the President of the bank providing the letter of credit and as evidenced by the most recent quarterly Call Report provided to the Federal Deposit Insurance Corporation.

DEPARTMENT OF NATURAL RESOURCES

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- E) The letter of credit shall provide on its face that the Department, its lawful assigns, or the attorneys for the Department or its assigns, may sue, waive notice and process, appear on behalf of, and confess judgment against the issuing bank (and any confirming bank) in the event that the letter of credit is dishonored. The letter of credit shall be deemed to be made in Sangamon County, Illinois, for the purpose of enforcement and any actions thereon shall be enforceable in the Courts of Illinois, and shall be construed under Illinois law.
- 2) Certificates of deposit shall be subject to the following conditions:

- A) The Department shall require that certificates of deposit be made payable to or assigned to the Department both in writing and upon the records of the bank issuing the certificates. If assigned, the Department shall require the banks issuing these certificates to waive all rights of setoff or liens against those certificates.
 - B) The Department shall not accept an individual certificate of deposit in an amount in excess of the maximum insurable amount as determined by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.
 - C) Any interest accruing on a certificate of deposit shall be for the benefit of the permittee except that accrued interest shall first be applied to any prepayment penalty when a certificate of deposit is forfeited by the Department.
 - D) The certificate of deposit, if a negotiable instrument, shall be placed in the Department's possession. If the certificate of deposit is not a negotiable instrument, a withdrawal receipt, endorsed by the permittee, shall be placed in the Department's possession.
- 3) Cash accounts shall be subject to the following conditions:
- A) The Department may authorize the permittee to supplement the bond--through--the establishment of a cash account in one or more federally insured or equivalently protected accounts made payable upon demand to the Department.
 - B) Any interest paid on a cash account shall be returned to the permittee.
 - C) The Department shall not accept an individual cash account in an amount in excess of the maximum insurable amount--as determined by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(Source: Amended at 22 Ill. Reg. 26314, effective DEC 14 1998)

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SUBPART Q: ANNUAL WELL FEES

Section 240.1700 Fee Liability

- a) The Department shall assess fees during each fiscal calendar year for all permits of record as of July 1, including wells reported to be transferred pursuant to Subpart N but not yet approved for transfer by the Department. The permittee for each well is responsible for paying the full assessed these annual fees in the amount amounts specified in Section 240.1705 below.
- b) The permittee remains liable for the payment of such fees until:
- 1) the well or wells under permit to the permittee are plugged and restored; or
 - 2) the well or wells have been transferred to a new permittee pursuant to Subpart N.
- c) Liability for annual well fees ceases on the date when the well has been plugged and restored or on the effective date stated on the Department's Notification of Transfer Form.
- d) If a permittee fee check is returned due to insufficient funds or because payment was stopped, the permittee is required to repay fees for that fiscal year by cashier's check or money order.

(Source: Amended at 22 Ill. Reg. 22314, effective DEC 14 1998)

Section 240.1720 When Fees are Due

Well fees shall become due on September 1 of each year and shall be deemed delinquent if not paid by November 1 of each year. The Department may cease mailing the well fee bill to billing a permittee for annual well fees if such fees have been unpaid for three--(3) consecutive years. However, such permittee may not thereafter operate, permit or transfer wells within the State of Illinois without first paying all delinquent fees and associated civil penalties and submitting a bond in accordance with Subpart O.

(Source: Amended at 22 Ill. Reg. 22314, effective DEC 14 1998)

Section 240.1730 Opportunity to Contest Billing

- a) Permittees may contest the amount of fees or the wells for which the permittee is listed as the permittee of record as of July 1 by submitting a written objection to the billing on or before October 30 of each year. The objection must be accompanied by the full assessed amount.
- b) The objection must be in writing, signed by the permittee, or by an individual authorized to sign for the permittee, and must identify the nature of the objection. The written objection must include a

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statement of the facts supporting the objection and copies of any relevant assignments or other title documents.

(Source: Amended at 22 Ill. Reg. 22314, effective DEC 14 1998)

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Audit Requirements of DHS
- 2) Code Citation: 89 Ill. Adm. Code 507
- 3) Section Numbers: Adopted Action:
507.10 New
- 4) Statutory Authority: Implementing and authorized by Department of Human Services Act [20 ILCS 1305].
- 5) Effective Date of Rule(s): December 8, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 10, 1998, 22 Ill. Reg. 11667
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No
- 11) Difference(s) between proposal and final version: In Section 507.10(a) added "to the Department" after "submit." Also in Section 507.10(a), deleted "to the Department" after "data".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Rule(s): This section contains the audit requirements for each provider receiving purchase of service or grant contract funding from the Department of Human Services. The requirements vary by the total funding received by the provider from DHS and other sources. The section explains the type of audit required, submission standards and submission dates. Other sections are being repealed within DHS rules and some sections are being revised to correct cite references.
- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Weir, Bureau Chief

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

Bureau of Administrative Rules and Procedures
 Department of Human Services
 100 South Grand Avenue East
 3rd Floor, Harris Bldg.
 Springfield, Illinois 62762
 Telephone number: 217/785-9772

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 507
AUDIT REQUIREMENTS OF DHS

Section
507.10 Audit Requirements

AUTHORITY: Implementing and authorized by Department of Human Services Act [20 ILCS 1305].

SOURCE: Adopted by emergency rule at 22 Ill. Reg. 12154, effective June 24, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. ~~22386~~, effective ~~DEC 8 1998~~.

Section 507.10 Audit Requirements

- a) Each Provider receiving purchase of service or grant contract funding (Provider) from the Department of Human Services (Department) shall annually submit to the Department an independent audit report or revenue and expense data in a form prescribed by the Department, to enable the Department to perform fiscal monitoring and to account for the usage of funds paid to the Provider under Agreements with the Department. Providers subject to these requirements shall be notified by registered or certified letter no later than May 31 of the year of the contract. This letter shall contain detailed instructions related to independent audit requirements, including provisions for requesting waivers, modifications and filing extensions.
- b) If the Provider's combined purchase of service or grant contract funding for Department programs and other State funding is less than \$100,000, the Provider will be required to submit revenue and expense data in a form prescribed by the Department. Two copies shall be filed with the Department's Office of Contract Administration. The report shall be submitted within 120 days after the end of the Provider's fiscal year.
- c) If the Provider's combined purchase of service or grant contract funding for Department programs and other State funding is less than \$300,000 but \$100,000 or greater, the Provider will be required to submit revenue and expense data in a form prescribed by the Department with an opinion from an Independent Certified Public Accountant. Two copies shall be filed with the Department's Office of Contract Administration. The report with an opinion shall be submitted within 120 days after the end of the Provider's fiscal year.
- d) If the Providers combined purchase of service or grant contract funding for Department programs and other State funding is \$300,000 or greater, the Provider shall be required to submit an independent audit

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report and revenue and expense data in a form prescribed by the Department. For Providers required to submit an independent audit report, the basic requirements are:

- 1) The audit shall be conducted by a Certified Public Accountant or Certified Public Accounting Firm licensed in the State of Illinois;
- 2) The audit report shall include the financial statements prescribed by the Financial Accounting Standards Board for not-for-profit organizations, or the Governmental Accounting Standards Board for governmental entities, as appropriate;
- 3) The audits shall be conducted in accord with the "single audit" requirements and standards when the Provider receives or expends Federal funds that cumulatively exceed the Federal threshold. These requirements are detailed in Federal OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations"; and
- 4) The report shall be submitted within 120 days after the end of the Provider's fiscal year. Two copies of any reports prepared in accordance with Federal OMB Circular A-133 shall be filed with the Department's Office of Contract Administration. Any request for an extension of time to file an independent audit report or supplemental revenue and expense data shall be submitted to the Department's Manager of the Office of Contract Administration. The Manager of the Office of Contract Administration shall respond in writing to each such request within 14 days after it is received by the Office of Contract Administration.
- e) A request for exception to the audit requirements prescribed in this Section shall be submitted to the Department's Manager of the Office of Contract Administration. Such requests shall be approved only when convincingly justified. The Department's Manager of the Office of Contract Administration shall respond in writing to each request for exception within 14 days after it is received by the Office of Contract Administration.
- f) Audit requirements shall be waived by the Manager of the Office of Contract Administration when it is deemed to be in the interest of the State of Illinois or when it enhances the operating efficiency of the State. A written determination for the waiver shall be maintained by the Office of Contract Administration.
- g) Failure to meet these audit requirements shall result in the suspension of funding.

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Grants
- 2) Code Citation: 59 Ill. Adm. Code 103
- 3) Section Numbers: Adopted Action:
103.120 Amended
- 4) Statutory Authority: Implementing Sections 15, 34 and 34.1 of the Mental Health and Developmental Disabilities Administrative Act (20 ILCS 1705/15, 34 and 34.1) and the Community Services Act (405 ILCS 30) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (405 ILCS 5/5-104) and Section 5 of the Mental Health and Developmental Disabilities Administrative Act (20 ILCS 1705/5).
- 5) Effective Date of Amendments: December 8, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
July 10, 1998, 22 Ill. Reg. 11677
(issue date)
- 10) Has JCAR Issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version: none
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an Emergency Rule(s) currently in effect?
Yes
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Rule(s): The Department of Human Services is consolidating all Audit Requirements into 89 Ill. Adm. Code 507. This section is being amended to reflect this consolidation.
- 16) Information and answers to questions regarding this adopted rule shall be directed to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of Adopted Amendment(s) begins on the next page:

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TITLE 59: MENTAL HEALTH

CHAPTER I: DEPARTMENT OF HUMAN SERVICES

PART 103

GRANTS

SUBPART A: SYSTEM DESIGN

- Section
- 103.10 Purpose
- 103.11 Definitions
- 103.15 Incorporation by reference
- 103.20 Geographic service area
- 103.25 Agency governance
- 103.30 Conflict of interest
- 103.40 Community operation of programs (Repealed)
- 103.50 General program requirements
- 103.60 Fiscal management
- 103.65 Programs eligible for grants
- 103.70 Special organizational structures
- 103.80 Monitoring and evaluation

SUBPART B: OPERATIONAL PROCEDURES

- Section
- 103.90 Fiscal requirements
- 103.95 Grant negotiation process
- 103.100 Accounting requirements
- 103.110 Allowable/non-allowable expenses
- 103.120 Audits
- 103.130 Department review and hearing process
- 103.140 Budget application (Repealed)
- 103.150 Agency plan
- 103.160 Grant agreement and addenda
- 103.165 Accreditation
- 103.170 Agency plan compliance
- 103.180 Prerequisites for disbursement of funds
- 103.190 Interruption of disbursement and grant cancellation
- 103.200 Revenue/expense reports (Repealed)
- 103.210 Reallocation and lapsed funds

AUTHORITY: Implementing Sections 15, 34 and 34.1 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15, 34 and 34.1] and the Community Services Act [405 ILCS 30] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

SOURCE: Emergency rule adopted and codified at 6 Ill. Reg. 9361, effective July 21, 1982, for a maximum of 150 days; emergency expired December 19, 1982; adopted at 7 Ill. Reg. 1788, effective February 2, 1983; amended at 7 Ill. Reg. 9304, effective July 27, 1983; amended at 10 Ill. Reg. 10572, effective June 1, 1986; amended at 10 Ill. Reg. 10568, effective September 1, 1986; emergency amendment at 16 Ill. Reg. 2643, effective February 1, 1992, for a maximum of 150 days; emergency expired on June 30, 1992; amended at 17 Ill. Reg. 10282, effective July 1, 1993; amended at 21 Ill. Reg. 8282, effective June 25, 1997; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; emergency amendment at 22 Ill. Reg. 12176, effective June 24, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 22360, effective 3/30/98.

SUBPART B: OPERATIONAL PROCEDURES

Section 103.120 Audits

a) Each agency receiving a grant from the Department shall have an annual independent audit as of the close of its fiscal year. This audit shall be performed in accordance with Section 89 Ill. Adm. Code 507. generality-accepted auditing-standards-(fAAS)-appropriate-for-the-agency---as-promulgated-by--the American-institute-of-Certified-Public-Accountants-and-for-qualifying-grantees or--subgrantees--of--federal--financial--assistance--with-federal--Office-of-Management--and--Budget--(OMB)--Circular-A-137--Audits-of-Institutions-of-Higher Education-and-Other-Nonprofit-Institutions-or-Circular-A-120--Audits-of-State and--Local--Governments--as-applicable---Such-an-audit-shall-be-conducted-by-an independent-certified-public-accountant--(CPA)--registered-by--the--State--of Illinois--The-resultant-audit-report-shall-contain-the-applicable-basic financial-statements--including--the--balance-sheet--statement--of--support revenue--expenses--and--changes--in-fund-balances--and-statement--of--functional expenses--The-report-may-also-include--other--statements--required--by--agency management--such-as-the-statement-of-cash-flows--the-report-shall-also-contain the-CPA's-opinion-regarding-the-financial-statements--taken-as-a-whole--or--an assertion--to--the--effect--that--an--option--cannot--be-expressed--if-the-CPA expresses-a-qualified-opinion--a-dissenter-of-opinion--or--an-adverse-opinion--the--reason--shall--be--stated---A--report-will-not-be-acceptable-if-the-CPA's opinion-is-qualified--or--denied--because--the--agency--placed--an--unnecessary limitation-on-the-scope-of-the-audit-

b) The--audit--report--shall-include-the-following-supplemental-financial information--For-those-agencies-with-a-fiscal-year-which-ends-on--a date-other-than-June-30--the-supplemental-information-shall-be-for-the 12--months-ending-on-June-30--preceding-the-closing-of-their-fiscal-year- 1) Schedule-of-expenses-by-program 2) This--schedule--shall-include--all--expenses--(direct--and allocated)--for-the-agency-as-a-whole--for-those-programs--as a-group-which-were-not-funded-by-Department-grants--and-for each-individual-program--which-was-funded--by--Department grants---At-a-minimum--such-expenses-shall-be-categorized-as

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follows:

- 1) Employees' salaries and wages;
- 1) Employees' fringe benefits;
- 1) Individuals' salaries, wages and fringe benefits;
- 1) Consultants;
- 1) Consumable supplies;
- 1) Occupancy;
- 1) Board transportation;
- 1) Specific assistance to individuals;
- 1) Non-capitalized equipment;
- 1) Lease/rent;
- 1) Depreciation;
- 1) Interest; and
- 1) Miscellaneous.
- 1) In addition, costs of production (which include individuals' salaries, wages and fringe benefits, plus materials costs) should be shown as a notation for any vocational development or similar programs which produce a salable product.
- 1) Expenses by category and in total shall agree with expenses in the audited financial statements unless the agency's fiscal year ends on a date other than June 30. A reconciliation or explanation shall be provided for any differences.
- 1) The CPA shall clearly state his or her position on this schedule and the responsibility assumed, if any. The CPA may extend his or her opinion on the basic financial statements to include this supplemental schedule or may express a separate opinion on this schedule or may state that he or she assumes no responsibility and does not express an opinion thereon.
- 2) Schedule of revenue by source and by program
 - 1) This schedule shall be in the same format as the revenue section for the Department's agency plan for the operating fund projected revenue and expense. It shall include all revenue in a total column and show program earnings and restricted revenues by Department funded program. Unrestricted revenues need not be allocated to programs.
 - 1) Revenues by source and in total shall agree with revenue in the audited financial statements unless the agency's fiscal year ends on a date other than June 30. A reconciliation or explanation shall be provided for any differences.
 - 1) The same requirement stated in subsection (b)(1)(C) of this Section shall be applicable to this schedule.
- 3) Audit report filing requirements
 - 1) The independent audit report, including the report on internal controls when applicable and any special reports and/or financial statements required by the Federal OMB Circulars A-128 or A-133 for qualifying recipients or

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- subrecipients of federal funds shall be submitted within 120 days after the end of the agency's fiscal year. Four copies of any reports prepared in accordance with Federal OMB Circular A-128 or A-133, and two copies of all other documents herein required shall be filed with the Department's Office of Internal Audits.
- 1) A request for an extension of time to file an independent audit report shall be submitted to the Department's Chief Auditor in writing. Such a request shall include justification. The Chief Auditor shall respond in writing to each such request within 14 days after its receipt by the Department's Office of Internal Audits.
- 1) A request for exception to the audit requirements prescribed in this Section shall be submitted to the Department's Associate Director for the Division of Administrative Services. Such requests shall be approved only when convincingly justified. The Associate Director for the Division of Administrative Services shall respond in writing to each such request within 14 days after its receipt by the Division of Administrative Services.
- 1) Failure to meet these audit requirements shall result in the suspension of funding.
- 1) Requests by agencies, CPAs for confirmation of payments made by the Department shall be directed to the Department.
- 1) In addition to the required annual independent audits conducted by CPAs, audits of agencies shall be conducted on-site by the Department's Office of Internal Audits as described in subsections (d)(1) through (6) of this Section.
- 1) The Department's Chief Auditor shall make all necessary audit arrangements.
- 2) Assignments for compliance audits and operational reviews shall be based on:
 - 1) A Department approved audit plan to provide ongoing audit coverage of grantee agencies;
 - 1) A random sampling of agencies with certain characteristics such as those receiving grants in excess of specified amounts or those participating in new programs;
 - 1) Requests by Department management for targeted reviews reasonably based on suspected fiscal problems or deficiencies. The reasons for suspected fiscal problems or deficiencies shall be detailed in writing to the agency.
 - 1) Requests by agency management for special audits or targeted reviews.
- 3) Scope of audits
 - 1) The audits shall involve verification of compliance with any or all conditions of the grant agreement.
 - 1) The audits may also involve a review of any aspect of the agency's operation which might affect its ability to perform

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in accordance with the grant agreement including, but not limited to, the agency's general financial conditions and its internal administrative and accounting controls.

4) Explanation of audit findings

A) The Chief Auditor shall arrange for an explanatory meeting with the agency after conclusion of the audit at a mutually agreed-on date. The purpose of this meeting shall be to deliver the audit report draft to the agency, to explain its findings and format, to present and explain the audit development and recommendations, and to attempt to reach agreement on the accuracy of the proposed audit findings. At this meeting a date shall be set for the agency to submit a preliminary written response to the audit report, no more than 30 days following the explanatory meeting, and a second date set for an exit conference to be held, no more than 45 days following the explanatory meeting.

B) If the agency determines that an exit conference is unnecessary, it shall communicate this in writing to the Chief Auditor at least 10 days prior to the scheduled exit conference date; otherwise, the exit conference shall be held. The purposes of this exit conference are:

i) For the agency to disclose to the auditors any possible errors or incorrect conclusions in the audit report draft. The agency shall bring to this conference any documentation that will assist in substantiating its contention of inaccuracies in the report draft.

ii) To serve as the informal hearing required by Section 7 of the Illinois Grant Funds Recovery Act (90-1185/705/71).

E) If an exit conference is held and results in material changes, the Chief Auditor shall incorporate any such changes into the audit report draft and within 20 days after the exit conference shall send a revised audit report draft to the agency. The agency shall, within 30 days after the date of the transmittal letter, deliver its final written response to the revised audit report draft for inclusion in the final audit report. If the agency wishes to have its preliminary response as provided for in subsection (d)(4) of this Section used as its final response, it shall send a letter to the Chief Auditor so stating within 30 days after the date of the transmittal letter. If the agency's final response is not received by the Chief Auditor within 30 days, he or she shall recommend to the Secretary that the agency's grant be suspended in accordance with Section 103-1190(e)(3).

B) After incorporating the agency's response, and not later than 20 days after receipt of it, the Chief Auditor shall

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issue the final audit report to the provider and send copies to the head of the agency's governing body and to Department managers.

5) Resolution of final audit reports

The Chief Auditor shall determine if the agency's response to the final audit report is acceptable on all matters except for the recovery of grant funds.

A) The Chief Auditor shall include his or her comments relating to the facts as stated in the agency's response, if appropriate.

B) Any recipient of the final audit report who wishes to comment on the audit findings and agency responses shall communicate those comments to the Chief Auditor within 30 days after the date of the letter transmitting the final audit report.

C) Within 45 days after the date of the letter transmitting the final audit report, the Chief Auditor shall advise the agency of the Department's position on the audit findings, recommendations and agency responses, sending copies to all recipients of the final audit report.

B) Approximately 100 days after the date of the agency's letter of response to the final audit report, as provided for in subsection (d)(4)(e) of this Section, the Office of Internal Audits shall contact the agency and make arrangements to revisit the agency to review the implementation status of the audit recommendations. The results of this review shall be communicated in writing to all recipients of the final audit report.

6) Recovery of grant funds

If there is evidence in support of the apparent need for recovery of grant funds in accordance with the Illinois Grant Funds Recovery Act, the Chief Auditor shall include that finding as Finding A in the final audit report, preceding any procedural findings and recommendations. Such a finding shall be adequately explained to permit the agency and Department management to understand its development and the facts which led to the conclusion that there may have been an overpayment of grant funds.

A) The Associate Director for the Division of Administrative Services shall, within 35 days after the date of the Chief Auditor's position letter provided in subsection (d)(5)(e) of this Section, send the agency's authorized agency representative a notice of the intended recovery with copies to all recipients of the final audit report.

B) If the agency disagrees with the finding of apparent overpayment and the notice of intended recovery, it shall send a request for a hearing to the Associate Director for the Division of Administrative Services within 35 days after

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the--date--of--the--notice--of--recovery--provided--for--in
subsection--(d)(6)(A)--of--this--Section--if--the--Associate
Director--for--the--Division--of--Administrative--Services--does
not--receive--a--hearing--request--within--the--specified--time
limit--he--or--she--shall--proceed--to--recover--the--funds--
e) If--the--agency--requests--a--hearing--such--hearing--shall--be
conducted--within--45--days--after--the--date--of--the--request
letter--in--accordance--with--Section--8--of--the--Illinois--Grant
Punds--Recovery--Act--(98--ILCS--705/8)--Request--for--a--hearing
shall--stay--further--recovery--efforts--
e) The--Department--and--the--agency--shall--comply--with--all--timeframes--for
submitting--information--for--responding--to--the--submitted--information--for
for--notice--requirements--and--for--review--or--a--hearing--as--outlined--in
this--Section--regarding--audits--The--agency--may--appeal--the--Department's
failure--to--respond--to--timeliness--as--outlined--in--this--Section--

(Source: Amended at 22 Ill. Reg. 22390, effective
DEC 8 1998)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medicaid Home and Community-Based Services Waiver Program for Individuals with Developmental Disabilities
- 2) Code Citation: 59 Ill. Adm. Code: 120
- 3) Section Numbers: Adopted Action:
120.90 Amended
- 4) Statutory Authority: Implementing Section 3 of the Community Services Act [405 ILCS 30/3] and Sections 5-1 through 5-11 of the Public Aid Code [305 ILCS 5/5-1 through 5-11] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].
- 5) Effective Date of (Amendments): December 8, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:

July 10, 1998, 22 Ill. Reg. 11679
(issue date)

- 10) Has JCAR Issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version: none
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an Emergency Rule(s) currently in effect? Yes
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Rule(s): This section refers to the audit requirements of the Office of Mental Health and the Office of Developmental Disabilities. These audit requirements have been replaced by 89 Ill. Adm. Code 507. This rulemaking amends this section to refer to the new DHS audit requirements. This is part of the Department's effort to standardize and consolidate all audit requirements for purchase of service contracts and agreements into Section 507.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of Adopted Amendment(s) begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF HUMAN SERVICES

PART 120

MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVER PROGRAM FOR
INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

SUBPART A: GENERAL PROVISIONS

Section

120.10 Definitions

120.20 Purpose

120.25 Incorporation by reference

120.30 Program description (Repealed)

120.40 Service descriptions

120.50 Target population

SUBPART B: SYSTEM COMPONENTS

Section

120.60 Overview (Repealed)

120.70 Service provider requirements

120.80 Program assurances

120.90 Department audit

SUBPART C: INDIVIDUAL RIGHTS AND RESPONSIBILITIES

Section

120.100 Overview

120.110 Appeals and fair hearings

120.120 Individual's responsibilities

SUBPART D: OPERATIONAL PROCEDURES

Section

120.130 Filing an application (Repealed)

120.140 Eligibility criteria

120.150 Eligibility determination

120.160 Individual service/support plan

AUTHORITY: Implementing Section 3 of the Community Services Act [405 ILCS 30/3] and Sections 5-1 through 5-11 of the Public Aid Code [305 ILCS 5/5-1 through 5-11] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

SOURCE: Adopted and codified at 7 Ill. Reg. 15630, effective November 9, 1983; emergency amendment at 16 Ill. Reg. 2652, effective February 1, 1992, for a

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maximum of 150 days; emergency expired June 30, 1992; amended at 18 Ill. Reg. 15600, effective October 5, 1994; amended at 20 Ill. Reg. 4762, effective March 8, 1996; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; emergency amendment at 22 Ill. Reg. 12185, effective June 24, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 22399, effective Oct 6 1998.

SUBPART B: SYSTEM COMPONENTS

Section 120.90 Department audit

The Department requirements for service providers annual audits are found in 89 Ill. Adm. Code 507.

a) The Department shall require each service provider to have an annual audit at the close of its fiscal year. This audit shall be performed by an independent certified public accountant registered by the State of Illinois in accordance with generally accepted auditing standards promulgated by the American Institute of Certified Public Accountants (AICPA). Industry audit guide (e.g., Audits of Voluntary Health and Welfare Organizations (1974)). The report shall contain the basic financial statements presenting the financial position of the service provider, the results of its operations and changes in fund balances. The report shall also contain the auditor's opinion regarding the financial statements, taken as a whole, or an assertion to the effect that an opinion cannot be expressed. Auditors may qualify, deny or give adverse opinions based on these standards.

b) Service providers shall complete the interagency statistical and financial report or other cost report designated by the Department and available through the Department's Central Office. Each service provider shall be required to file this report by the date set by the Department, not less than 120 days after the end of the service provider's fiscal year. The report shall be prepared and submitted to the Department along with the service provider's independently certified audit. The revenues and expenses entered on the report shall reconcile with the revenues and expenses as certified in the audit.

(Source: Amended at 22 Ill. Reg. 22399, effective Oct 6 1998)

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1) Heading of the Part: Subacute Alcoholism and Substance Abuse Treatment Services

2) Code Citation: 77 Ill. Adm. Code 2090

3) Section Numbers: Adopted Action:
2090.30 Amended

4) Statutory Authority: Implementing and authorized by Section 5-10 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/5-10].

5) Effective Date of Amendment: December 8, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: July 10, 1998, 22 Ill. Reg. 11681

10) Has JCAR Issued a Statement of Objections to this amendment? No No

11) Difference(s) between proposal and final version: none

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an Emergency Rule(s) currently in effect? Yes

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Rule(s): This Section refers to OASA audit requirements for submission of financial reports. The section currently refers to 77 Ill. Adm. Code 2030.620. This section is being repealed. It is being replaced with 89 Ill. Adm. Code 507. This amendment changes the reference.

16) Information and answers to questions regarding this adopted amendment shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East

DEPARTMENT OF HUMAN SERVICES

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3rd Floor, Harris Bldg.
Springfield, Illinois 62762

Telephone number: 217/785-9772

The full text of Adopted Amendment(s) begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER g: MEDICAID PROGRAM STANDARDS

PART 2090

SUBACUTE ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT SERVICES

Section	Purpose
2090.10	Definitions
2090.20	Medicaid Certification/Enrollment/Recertification
2090.30	General Requirements
2090.35	Reimbursable Services
2090.40	Quality Improvement
2090.50	Client Records
2090.60	Rate Setting
2090.70	Rate Appeals
2090.80	Inspections
2090.90	Sanctions for Non-Compliance/Audits
2090.100	Inspections (Renumbered)
2090.105	Sanctions for Non-Compliance/Audits (Renumbered)
2090.110	

AUTHORITY: Implementing and authorized by Section 5-10 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/5-10].

SOURCE: Adopted at 11 Ill. Reg. 2236, effective January 14, 1987; emergency amendments at 12 Ill. Reg. 11273, effective June 30, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 20061, effective November 26, 1988; emergency amendments at 15 Ill. Reg. 10222, effective June 25, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16662, effective November 1, 1991; amended at 16 Ill. Reg. 11807, effective July 14, 1992; amended at 18 Ill. Reg. 14223, effective September 2, 1994; amended at 19 Ill. Reg. 9411, effective July 1, 1995; amended at 19 Ill. Reg. 10454, effective July 1, 1995; emergency amendment at 20 Ill. Reg. 12489, effective August 30, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1600, effective January 27, 1997; recodified from the Department of Alcoholism and Substance Abuse to the Department of Human Services at 21 Ill. Reg. 9319; emergency amendment at 21 Ill. Reg. 14087, effective October 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 5895, effective March 13, 1998; emergency amendment at 22 Ill. Reg. 12189, effective June 24, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 22403, effective ~~June 24, 1998~~ July 1, 1998.

Section 2090.30 Medicaid Certification/Enrollment/Recertification

- a) Providers may be certified and recertified by the Department as set forth herein and may enroll for participation in the Illinois Medical Assistance Program as provided in 89 Ill. Adm. Code 148.340(d). Application for Medicaid certification and enrollment for alcoholism

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- G) schedule of the specific dates, times and places services will be provided;
- H) number and type of people served during the previous two years in the program for which certification is sought and a description of the people served (demographics, gender, drug of choice, Medicaid eligibility, income level, etc.);
- I) name, address and professional qualifications of the program's Medical Director;
- J) name and qualifications of each individual who will be staffing the program and a description of that individual's responsibilities with respect to the program;
- K) copies of written referral agreements with other social service systems and primary medical care service systems within the applicant's area;
- L) copies of linkage agreements with other substance abuse treatment programs within the applicant's area implemented to assure availability of all levels of care as required in 77 Ill. Adm. Code 2060;
- M) documentation of the program's quality assurance system and utilization review policy as applied to the program's clinical standards which have been used for the previous two years, with a copy of the two most recent utilization review reports; and
- N) measurable outcome evaluation process used for the past two years and statistics on the program's client outcomes.
- 4) Applicants who receive funding from the Department shall submit evidence that they are in compliance with 77 Ill. Adm. Code 2030, Subparts D and G and Sections 2030.710 and 2030.740. Applicants who do not receive funding from the Department shall submit copies of the two previous years' annual audits according to the standards established in 89 Ill. Adm. Code 507 77-III-Adm-Code 2030-620 and two copies of the statistical and financial data submitted in a format required by the Department in 77 Ill. Adm. Code 2030.710.
- 5) Applications which are missing significant components or which have inadequate information shall be returned to the applicant with a statement specifying the missing or inadequate information. Completed applications may be resubmitted. Applications which are missing less significant components may be held by the Department and the applicant notified in writing of the missing information. The applicant may submit only the missing components. The Department shall hold such incomplete applications no more than 30 calendar days.
- 6) Certification is site-specific and services are to be provided on-site, unless they are provided in accordance with the off-site service provisions as set forth in 77 Ill. Adm. Code 2060.203.
- 7) Sites providing 24 hours of services to clients and having more than 16 beds shall not be certified for Medicaid enrollment for

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and other drug abuse treatment service providers may be made by providers who are:

- 1) Currently licensed by the Department under the provisions of 77 Ill. Adm. Code 2060 for alcoholism and other drug abuse treatment services described in 77 Ill. Adm. Code 2060.
 - 2) Currently licensed by the Illinois Department of Public Health as a hospital pursuant to 77 Ill. Adm. Code 250 for the treatment services described in 77 Ill. Adm. Code 250.
- b) Medicaid Certification
- 1) Applications for certification may be obtained in person or by writing to:

Illinois Department of Human Services
160 N. LaSalle, Suite N700
Chicago, Illinois 60601
Attention: Division of Licensing and Monitoring
(312) 814-4718
(312) 419-8432 TDD

or

Illinois Department of Human Services

222 S. College, 2nd Floor
Springfield, Illinois 62704
Attention: Division of Licensing and Monitoring
(217) 782-0685
(217) 524-5103 TDD

- 2) Applicants for new certification will be accepted from programs or parent organizations of such programs which have been licensed as specified in this Section for at least two years. Applicants shall demonstrate two years of experience in providing quality substance abuse services of the kind for which certification is being requested and for the type of population which will be served.
- 3) Applicants shall submit documentation of the following:
 - A) evidence of the need within the community for the type of services to be provided by the program for which certification is sought;
 - B) description of the organization that will be operating the program;
 - C) fiscal solvency of the organization;
 - D) description of the physical facilities to be utilized by the program;
 - E) description of the program and the clientele it serves;
 - F) projection of the total number of Medicaid clients to be served each month, the average length of stay anticipated, and the estimated average per person cost of treatment;

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other than residential rehabilitation services.

- 8) In order to receive certification for a site having 16 beds or less, a program must meet the following criteria:
 - A) be a free-standing program of 16 or fewer beds; or
 - B) be within a larger facility, as a distinct unit of 16 beds or less, which:
 - i) is licensed;
 - ii) is physically separate from other certified and licensed programs (for example, separated by floors, wings, or other building sections);
 - iii) provides a level of care significantly different in clinical content from other certified and licensed programs (for example, adult versus adolescent care, women versus men, hearing impaired versus non-impaired);
 - iv) has a separate cost center (budgeting, accounting, etc.);
 - v) has separate staffing; and
 - vi) has separate operating policies and procedures.
- 9) Prior to certification, the Department shall conduct an on-site inspection.
- 10) Based upon the on-site inspection and a review of the application for certification, the Department will certify the program if the Department determines that:
 - A) the applicant has proven that an unmet need for the services exists in the community the program will serve;
 - B) the organization operating the program is fiscally sound and responsible;
 - C) the program management is experienced in business and in the delivery of substance abuse services;
 - D) the program has sufficient written agreements with social, medical and other substance abuse service providers within its area to assure proper linkage of services to an individual;
 - E) the program has experience with the Medicaid eligible population it intends to serve;
 - F) the program has adequate physical facilities and adequate numbers of professional staff to provide the services;
 - G) the program conducts utilization review and has a quality improvement plan; and
 - H) the program has a measurable outcome evaluation process in place that provides measurable indicators of improvement by program participants.
- 11) The Department shall notify the applicant in writing of its determination regarding certification.
 - A) Approval of Certification/Medicaid Enrollment
If the Department certifies the program, it shall include the Department of Public Aid's (IDPA) Medicaid enrollment

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- forms with the letter of certification. The applicant shall submit the completed enrollment forms along with a copy of the letter of certification to IDPA. However, providers who have applied for hospital licensure for the first time and hold a provisional hospital license for treatment services are not eligible to apply for Medicaid enrollment for those treatment services.
- B) Denial of Certification
If the Department is not able to certify the program based on the criteria outlined in this Section, the Department shall notify the applicant in writing, describing those deficiencies that will result in a denial of the certification. The applicant has 60 days after receipt of the notice to correct the deficiencies and supply the new information to the Department. If the new information indicates that the program meets the criteria of this Part, the Department shall certify the applicant. If the program continues to fail to meet the requirements of this Part, the Department shall deny the application for certification. If certification is denied, the applicant may appeal the Department's decision and request a hearing pursuant to 77 Ill. Adm. Code 2000 (Rules of Practice and Procedure in Administrative Hearings).
 - 12) Certification shall be effective on the date of approval by the Department and shall remain in effect until the expiration of the provider's license as required in this Section or for three years for any provider not licensed by the Department. Certification is also subject to any sanctions levied under Section 2090.100 of this Part. After the effective date of certification, the provider may deliver services to Medicaid recipients that will be reimbursable after the applicant completes the IDPA Medicaid enrollment procedure.
 - 13) When and if a certified provider is no longer licensed as set forth in this Section (whether voluntarily or involuntarily) the certification shall be null and void. Upon proof by the Department's licensing division that the license is no longer in effect, the Department shall notify the provider by certified mail that certification is null and void.
 - 14) Recertification
 - A) To be eligible for recertification, providers shall be in compliance with all Sections of 77 Ill. Adm. Code 2060 referenced in this Part.
 - B) To be eligible for recertification, providers who receive funding from the Department shall be in compliance with 77 Ill. Adm. Code 2030, Subparts D and G and Sections 2030.710 and 2030.740. Providers who do not receive funding from the Department shall submit one copy of all annual audits during the previous certification period, according to the

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standards established in 89 Ill. Adm. Code 507 77-iii--Adm-Code--2030-620--(Audit--Requirements), and two copies of statistical and financial data submitted on forms required by the Department.

C) Providers shall apply for recertification at least 90 days prior to the expiration of the provider license.

D) Providers shall submit a recertification application provided by the Department. In addition, the provider shall submit copies of all utilization review (UR) reports and results of the program's measured outcome evaluations since the date of last inspection.

E) The Department shall review all documents and the results of the last licensure inspection and shall recertify the program if it complies with the requirements of the Alcoholism and Other Drug Abuse and Dependency Act and this Part.

15) Denial of Recertification

If the Department is not able to recertify the program based on its review and inspection, the Department shall notify the applicant in writing, describing those deficiencies that will result in a denial of the recertification. The applicant has 30 days after receipt of the notice to correct the deficiencies and supply the new information to the Department. If the new information indicates that the program meets the criteria of this Part, the Department shall recertify the program. If the program continues to fail to meet the requirements of this Part, the Department shall deny the application for recertification and shall notify the applicant in writing, giving the reasons for the denial. The provider may appeal the Department's decision and request a hearing pursuant to 77 Ill. Adm. Code 2000 (Rules of Practice and Procedure in Administrative Hearings). Certification shall remain in effect pending the Department's final decision on recertification unless the provider is sanctioned pursuant to Section 2090.100 of this Part. When the denial of recertification is final, the provider shall arrange for transfer of all Medicaid clients of the program as appropriate.

(Source: Amended at 22 Ill. Reg. 22403, effective 1-1-1998)

OFFICE OF THE STATE FIRE MARSHAL

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1) Heading of the Part: Compliance Certification for Underground Storage Tanks

2) Code Citation: 41 Ill. Adm. Code 171

<u>Section Number</u>	<u>Emergency Action</u>
171.10	New Section
171.50	New Section
171.70	New Section
171.90	New Section
171.100	New Section
171.110	New Section
171.120	New Section
171.150	New Section
171.160	New Section
171.180	New Section
171.200	New Section

4) Statutory Authority: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 3.5 of the Gasoline Storage Act [430 ILCS 15/3.5]

5) Effective Date of Amendment: December 21, 1998

6) If this emergency rule is set to expire before the end of the 150 day period, please specify the date on which it is to expire: 150 days

7) Date Filed with the Index Department: December 14, 1998

8) A copy of the emergency rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for emergency:

Recent legislation requires the Office of the State Fire Marshal to certify that Underground Storage Tanks are in compliance with the rules of the Office by December 22, 1998; underground storage tanks not in compliance may not receive deposits of regulated substances. The late passage of the legislation and determining how to implement the program precluded regular rulemaking. The legislation specifically provided for emergency rulemaking.

The Act upon which these rules are based was passed at a late date with an effective date of July 30, 1998. These rules implement a certification of compliance with requirements for underground storage tanks. The United States Environmental Protection Agency has given December 22, 1998 as the deadline for all Underground Storage Tanks to be in compliance with their

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new tank performance standards which are incorporated into the Rules in 41 Ill. Adm. Code 170. The draft rules were circulated to affected industries and offered to attorneys through the Illinois State Bar Association. We believe that the regulated industries all had notice and many supplied constructive comments as late as December 9, 1998.

10) Complete description of subjects and issues involved: These rules are applicable to owners and operators of underground storage tanks containing petroleum, petroleum products and other regulated substances and those who deposit regulated substances in such tanks. Tanks containing hazardous substances and petroleum other than motor fuel have until March 31, 1999 to obtain a certification of compliance status but must still comply with the regulations at 41 Ill. Adm. Code 170. Heating oil tanks have until August 31, 1999 to obtain evidence of compliance status.

11) Are there any proposed amendments to this Part pending: No

12) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a State mandate.

13) Information and questions shall be directed to:

John J. Pavlou, Chief Counsel
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield IL 62701
(217) 785-1031
jpavlou@pop.state.il.us

The full text of the Emergency Rule begins on the next page.

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TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 171

Compliance Certification for Underground Storage Tanks

Section	Definitions
171.10	EMERGENCY
171.50	Deposit Prohibited
EMERGENCY	
171.70	Inspection of Motor Fuel Dispensing Facilities
EMERGENCY	Facilities
171.90	Evidence of Compliance Status for Motor Fuel Dispensing
EMERGENCY	Facilities
171.100	Inspection of Non-Motor Fuel Dispensing Facilities and
EMERGENCY	Hazardous Substance UST Systems
171.110	Evidence of Compliance Status for Non-Motor Fuel Dispensing
EMERGENCY	Facilities and Hazardous Substance UST Systems
171.120	Assumption of Compliance for Non-Motor Fuel Dispensing
EMERGENCY	Facilities and Hazardous Substance UST Systems
171.150	Certificate of Exemption
EMERGENCY	
171.160	Missing, Damaged or Destroyed Evidence of Compliance Status
EMERGENCY	
171.180	Expiration of Certificates
EMERGENCY	
171.200	Appeals
EMERGENCY	

AUTHORITY: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 3.5 of the Gasoline Storage Act [430 ILCS 15/3.5].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 22.41.1, effective December 14, 1998, for a maximum of 150 days.

Section 171.10 Definitions
EMERGENCY

"Deposit" means the act of placing in or filling of a UST system or directing the act of placing in or filling of a UST system with a regulated substance.

"Evidence of Compliance Status" means that a tag or decal issued by the OSFM is made visible to persons making delivery of petroleum, petroleum product, hazardous substances or regulated substances.

"Hazardous Substance" means any substance defined in Section 101(14)

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of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (42 USC 9601 et seq.), but not including any substance regulated as a hazardous waste under Subtitle C of the Resource Conservation and Recovery Act (RCRA) of 1976 (42 USC 6901 et seq.).

"Heating Oil" means petroleum that is No. 1, No. 2, No. 4-light, No. 4-heavy, No. 5-heavy or No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers or furnaces.

"Motor Fuel" means petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel or any grade of gasohol and is typically used in the operation of a motor engine.

"Motor Fuel Dispensing Facility" means a location where motor fuel is dispensed from a UST system.

"Non-Motor Fuel Dispensing Facility" means a location where petroleum or petroleum-based product other than motor fuel is dispensed from a UST system.

"OSFM" means Office of the Illinois State Fire Marshal.

"Person" means a natural person, corporation, unit of local government, partnership, firm or other entity. Person as used in this Part means the natural person who physically deposits regulated substances into a UST system and the unit of local government, partnership, firm or other entity that directs the person who makes such a deposit.

"Petroleum" (including crude oil or any fraction of crude oil that is liquid at standard conditions of temperature and pressure (60° F and 14.7 pounds per square inch absolute)) includes, but is not limited to, petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading or finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents or used oils.

"Regulated Substances" means petroleum or hazardous substances as defined in this Section.

"Underground Storage Tank", "UST", or "UST System" has the same meaning as in 41 Ill. Adm. Code 170.400.

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All other terms shall have the meaning ascribed to them or as defined in 41 Ill. Adm. Code 170.400.

Section 171.50 Deposit Prohibited EMERGENCY

Beginning December 22, 1998, no person shall deposit petroleum, petroleum product, hazardous substances or regulated substances into any UST system unless evidence is displayed that such UST system is in compliance with the applicable rules of 35 Ill. Adm. Code 170, except as provided in this Part. Beginning December 22, 1998, no person shall deposit petroleum, petroleum product, hazardous substances or regulated substances into any UST system that displays evidence that such UST system is not in compliance with the applicable rules of the OSFM.

Section 171.70 Inspection of Motor Fuel Dispensing Facilities EMERGENCY

- a) The OSFM shall inspect motor fuel dispensing facilities for compliance with this Part and issue Evidence of Compliance Status.
- b) The OSFM may give priority to inspection of dispensing facilities where the owner or operator has provided to the OSFM information demonstrating compliance with the applicable rules. Facilities upgrading prior to December 22, 1998, may be inspected under this Section as part of the inspection at the time of upgrading.

Section 171.90 Evidence of Compliance Status for Motor Fuel Dispensing Facilities EMERGENCY

- a) Evidence of Compliance Status for motor fuel dispensing facilities shall consist of a tag or decal issued by the OSFM. The tag or decal shall be either:
 - 1) Red: indicating non-compliance; or
 - 2) Green: indicating compliance; or
 - 3) Yellow: indicating exempt (see Section 171.150).
- b) Evidence of Compliance Status shall either be affixed to the window closest to the main entry of the motor fuel dispensing facility or, if such a window is not available, shall be affixed to the inside window of the dispenser cabinet.
- c) If more than one UST system is located at the facility, and some but not all UST systems are in compliance, the OSFM will issue a Green decal or tag, which shall be affixed as provided in subsection (b) above, and will issue individual Red decals or tags for each of the non-compliant UST systems, which shall be affixed directly onto the fill pipe of the non-compliant UST system or near the fill pipe of the non-compliant UST system at a location approved by the OSFM.
- d) Evidence of Compliance Status may also be a notice or letter issued by

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the OSMF indicating the facility status; such letter or notice shall be valid for 30 days from the date of the notice or letter.

Section 171.100 Inspection of Non-Motor Fuel Dispensing Facilities and Hazardous Substance UST Systems EMERGENCY

- a) The OSMF shall inspect non-motor fuel dispensing facilities and hazardous substance UST systems for compliance with this Part and issue Evidence of Compliance Status.
- b) The OSMF may give priority to inspection of dispensing facilities where the owner or operator has provided to the Office information demonstrating compliance with the applicable rules. Facilities upgrading prior to December 22, 1998, may be inspected under this Section as part of the inspection at the time of upgrading.

Section 171.110 Evidence of Compliance Status for Non-Motor Fuel Dispensing Facilities and Hazardous Substance UST Systems EMERGENCY

- a) Evidence of Compliance Status for non-motor fuel dispensing facilities and hazardous substance UST systems shall consist of a tag or decal issued by the OSMF. The tag or decal issued shall be either:
 - 1) Red: indicating non-compliance; or
 - 2) Green: indicating compliance; or
 - 3) Yellow: indicating exempt (see Section 171.150).
- b) Evidence of Compliance Status shall either be affixed to the fill pipe of the UST system or near the fill pipe at a location agreed to by the representative of the OSMF.
- c) If the tag or decal affixed to the fill pipe is Red, the owner or operator of the UST system shall secure the fill pipe to avoid the product being accidentally deposited in the UST system.
- d) Evidence of Compliance Status may also be a notice or letter issued by the OSMF indicating the facility status; such letter or notice shall be valid for 30 days from the date of the notice or letter.

Section 171.120 Assumption of Compliance for Non-Motor Fuel Dispensing Facilities and Hazardous Substance UST Systems EMERGENCY

- a) Depositors of hazardous substances and petroleum and petroleum products, other than motor fuel, shall first ascertain if evidence of non-compliance, a Red decal or tag, is affixed to the UST system. If no Red decal or tag is present, the person may deposit into the UST system. After March 31, 1999, the person may not deposit into any UST system that does not display evidence of compliance status.
- b) Depositors of Heating Oil shall first ascertain if evidence of non-compliance, a Red decal or tag, is affixed to the UST system. If

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no Red decal or tag is present, the person may deposit into the UST system. After August 1, 1999, the person may not deposit into any UST system that does not display Evidence of Compliance Status.

Section 171.150 Certificate of Exemption EMERGENCY

- a) Owners and operators of underground and above ground tanks not defined as UST systems may request a Certificate of Exemption from the requirements of this Part. The Certificate of Exemption may serve to avoid any confusion as to whether Evidence of Compliance Status is required for the UST system and, therefore, avoid unintended denial of a delivery of petroleum, petroleum product, regulated substances or hazardous substances.
- b) The owner or operator must make a written request for a Certificate of Exemption to the Office. A representative of the OSMF may inspect the tank or tank system.

Section 171.160 Missing, Damaged or Destroyed Evidence of Compliance Status EMERGENCY

- a) The owner or operator of a motor fuel dispensing facility, non-motor fuel dispensing facility or hazardous substance UST system may use an inspection form issued by the OSMF to establish Evidence of Compliance Status where the tag or decal is missing, damaged or destroyed.
- b) If the person depositing the petroleum, petroleum product, hazardous substance or regulated substance has knowledge that the facility or UST system has been issued a Green decal or tag, and the decal or tag is missing, damaged or destroyed, the person so delivering the substance should attempt to make reasonable inquiry to the owner or operator of the compliance status of the UST system. After making inquiry and receiving no information as to the non-compliance of the UST system, the person may deposit the substance but must notify the OSMF, in writing, of the delivery on the next business day and make inquiry into the status of the UST system receiving the delivery. Knowledge may be relied on under this subsection (b) by demonstrating that the depositor has observed a prior Green decal or tag and has no knowledge of the revocation of such decal or tag.
 - 1) A Green decal or tag was displayed at the time of a recent, prior delivery and a Red decal or tag was not affixed to the UST system receiving the current delivery; or
 - 2) Other personal knowledge as sufficient to satisfy this subsection (b), including possession of a copy of an inspection form issued by the OSMF.
- c) Owners or operators of a motor fuel dispensing facility, non-motor fuel dispensing facility or hazardous substance UST system shall report all missing, damaged or destroyed tags and decals on the next business day, in writing, following the discovery and shall return to

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the OSFM the damaged tag or decal. The OSFM will replace missing or damaged tags and decals as soon as practicable.

Section 171.180 Expiration of Certificates EMERGENCY

Certificates of compliance status without expiration dates shall expire on January 1, 2002 or on the next inspection interval. After January 1, 1999, certificates of compliance will be issued with expiration dates to expire on January 1 of the year shown on the Evidence of Compliance Status. Prior Evidence of Compliance Status shall be removed. After January 1, 1999, Evidence of Compliance Status shall be issued for three year intervals. After January 1, 1999, facilities not in compliance with the rules of the OSFM shall be issued Red tags for UST systems not in compliance and the previously issued Evidence of Compliance Status shall expire. The previously issued Evidence of Compliance Status shall remain in effect until any appeal or appeal period is concluded, after which the UST system shall have the appropriate Evidence of Compliance Status affixed and prior Evidence of Compliance Status removed.

Section 171.200 Appeals EMERGENCY

Evidence of Compliance Status issued or not issued pursuant to this Part may be appealed, within 30 days after the date of receipt or denial, in accordance with 41 Ill. Adm. Code 170, Subpart D, Underground Storage Tanks--Administrative Procedure Rules for Orders Issued by the Division of Petroleum and Chemical Safety.

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT(S)

- 1) Heading of the Part: Lobbyist Registration and Reports
- 2) Code Citation: 2 Ill. Adm. Code 560
- 3) Section Number Emergency Action
560.371 New Section
- 4) Statutory Authority: Implementing and authorized by the Lobbyist Registration Act [25 ILCS 170] (see P.A. 90-78 and 90-737).
- 5) Effective Date of Amendment: December 8, 1998
- 6) If this emergency rules is set to expire before the end of the 150 day period, please specify the date on which it is to expire: 150 days
- 7) Date filed in agency's principal office: December 8, 1998
- 8) Reason for emergency: At the time Public Act 90-737 passed, it was not apparent to this agency that the new Section 6.5 of the above referenced Act would create confusion among many lobbyists as to the requirements imposed by this Section and as evidenced by numerous telephone calls to this office. The Secretary of State offers this rule as a clarification of the Section, and emergency action is required because the first notification to officials affected by the Act's amendment is due by January 6, 1999.
- 9) Complete description of subjects and issues involved: This rule clarifies the Act's requirement of two notifications to officials and the manner in which lobbyists may satisfy this requirement.
- 10) Are there any proposed amendments to this Part pending: No
- 11) Statement of Statewide Policy Objectives: This rule will not affect other units of government.
- 12) Information and questions shall be directed to:

Carol Sudman, Assistant Counsel
298 Howlett Building
Springfield, Illinois 62756
217/785-3094
csudmans@ccgate.sos.state.il.us

The full text of the Emergency Amendment begins on the next page:

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT(S)

TITLE 2: GOVERNMENTAL ORGANIZATION
CHAPTER III: SECRETARY OF STATE

PART 560

LOBBYIST REGISTRATION AND REPORTS

SUBPART A: DEFINITIONS

Section
560.100 Definitions

Section

560.200 Persons Required to Register
560.205 Designation and Duties of Authorized Agent
560.210 Persons Not Required to Register
560.220 Registration Requirements
560.230 Failure to Register (Repealed)

SUBPART C: REPORTING REQUIREMENTS

Section

560.300 Persons Required to File Expenditure Reports
560.305 Time, Place and Manner for Filing Expenditure Reports
560.310 Categorizing Expenditures
560.315 Allocating Expenditures
560.320 Large Gatherings and Giveaways
560.325 Reporting Expenditures by Participants in Grass Roots Lobbying Events
560.326 Registrant's Duties for Grass Roots Lobbying Events
560.330 Expenditures for Immediate Family Members of Officials
560.340 Travel and Lodging Accommodations for Officials
560.345 Members of Legislative or State Study Committees
560.350 Personal and Office Expenses
560.355 Registrant's Duties for Grass Roots Lobbying Events (Repealed)
560.360 Salaries, Fees and Compensation
560.365 Contributions Reported Under the Election Code
560.370 Returned Gifts and Honoraria/Reimbursement by Official
560.371 Lobbyist Notifications to Officials

EMERGENCY

560.372 Official's Clarification Notice
560.375 Reports in the Absence of Reportable Expenditures
560.380 Amending Reports
560.385 Termination of Lobbying Activities
560.390 Failure to File Registration Statements and Expenditure Reports
560.395 Preservation of Records

SUBPART D: PUBLIC DISCLOSURE

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT(S)

Section
560.400 Requests for Reports
560.402 Location and Business Hours
560.405 Official Forms
560.410 List of Officials
560.420 Fees

APPENDIX A Lobbyist Registration Statements

ILLUSTRATION A Form R1: Lobbyist Registration Statement - For Individual/Firm/Partnership/Committee/Association/Corporation or any Other Organization Employing a Lobbyist on Their Own Behalf (Repealed)
ILLUSTRATION B Form R2: Lobbyist Registration Statement - For Individual/Firm/Partnership/Committee/Association/Corporation or any Other Organization Who Performs Lobbying Services on Behalf of Another (Repealed)
ILLUSTRATION C Attachment R1/R2: Lobbyist Registration Attachment - For Individual Lobbyist (Repealed)
ILLUSTRATION D Form R3: Lobbyist Registration Attachment - For Addition or Deletion of Affiliated Lobbyists (Repealed)
ILLUSTRATION E Form R4: Lobbyist Registration Attachment - For Addition or Deletion of Affiliated Clients (Repealed)

APPENDIX B

Lobbyist Expenditure Reports
ILLUSTRATION A Form S1: Lobbyist Expenditure Report - Summary of Reportable Expenditures (Repealed)
ILLUSTRATION B Schedule 1A/2A: Lobbyist Expenditure Report - Itemized Expenditures for Travel and Lodging or Meals, Beverages and Entertainment (Repealed)
ILLUSTRATION C Schedule 1B/2B: Lobbyist Expenditure Report - Non-Itemized Expenditures for Travel and Lodging or Meals, Beverages and Entertainment (Repealed)
ILLUSTRATION D Schedule 2C/3C: Lobbyist Expenditure Report - Expenditures for Large Gatherings or Giveaways (Repealed)
ILLUSTRATION E Schedule 3A/4A: Lobbyist Expenditure Report - Itemized Expenditures for Gifts or Honoraria (Repealed)
ILLUSTRATION F Schedule 3B/4B: Lobbyist Expenditure Report - Non-Itemized Expenditures for Gifts and Honoraria (Repealed)
ILLUSTRATION G Schedule GRI: Lobbyist Expenditure Notification - Expenditures Notification in Connection with a Grass Roots Lobbying Event (Repealed)

AUTHORITY: Implementing and authorized by the Lobbyist Registration Act [25 ILCS 170].

SOURCE: Adopted at 18 Ill. Reg. 22532, effective January 1, 1994; amended at 21 Ill. Reg. 405, effective January 1, 1997; emergency amendment at 22 Ill. Reg. 22419, effective December 8, 1998, for a maximum of 150 days.

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT(S)

SUBPART C: REPORTING REQUIREMENTS

Section 560.371 Lobbyist Notifications to Officials
EMERGENCY

Pursuant to Sections 6 and 6.5 of the Act, lobbyists shall send two notifications to each official on whose behalf an expenditure was incurred during the reporting period.

- a) At least 25 days prior to the filing deadline for the report (January 6 for the annual report and July 6 for the semi-annual report), lobbyists shall notify each official for whom an expenditure will be reported of the total amount of each expenditure, the date on which each expenditure was incurred, and, if applicable, the subject matter of the lobbying activity. Lobbyists may either provide an official with a copy of the report, or a separate notification pertaining to the expenditures of that official only.
- b) Within 30 days after a filing deadline (March 2 for the annual report and August 30 for the semi-annual report), lobbyists shall again notify each official for whom an expenditure was reported of the total amount of the expenditure, the date on which the expenditure was incurred, and, if applicable, the subject matter of the lobbying activity.
- c) Lobbyists shall not send the Secretary of State a copy of the notifications to officials.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 22419, effective December 8, 1998, for a maximum of 150 days)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.Subpart F, the following water quality criteria have been derived as listed. This listing includes only the waterbodies for which water quality criteria have been used during the period August 1, 1998 through October 31, 1998.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; 22 Ill. Reg. 5131, March 13, 1998; and 22 Ill. Reg. 10689, June 12, 1998; and 22 Ill. Reg. 16376, September 11, 1998.

Chemical: Acenaphthene

CAS #83-32-9

Acute criterion: 124 ug/l

Chronic criterion: 9.9 ug/l

Date criteria derived: November 14, 1991

Applicable waterbodies:

Not used during this period.

Chemical: Acetone

CAS #67-64-1

Acute criterion: 1,530 mg/l

Chronic criterion: 122 mg/l

Date criteria derived: May 25, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Acetonitrile

CAS #75-05-8

Acute criterion: 375 mg/l

Chronic criterion: 30 mg/l

Date criteria derived: December 7, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Acrylonitrile

CAS #107-13-4

Acute criterion: 910 ug/l

Chronic criterion: 73 ug/l

Human health criterion (HNC): 0.21 ug/l

Date criteria derived: November 13, 1991

Applicable waterbodies:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Not used during this period.

Chemical: Anthracene
Human health criterion (HTC): 35 mg/l
Date criteria derived: August 18, 1993
Applicable waterbodies:

CAS #120-12-7

Not used during this period.

Chemical: Benzene
Acute criterion: 5,200 ug/l
Human health criterion (HNC): 21 ug/l
Date criteria derived: August 15, 1990
Applicable waterbodies:

CAS #71-43-2
Chronic criterion: 416 ug/l

Not used during this period.

Chemical: Benzo(a)anthracene
Human health criterion (HNC): 0.01 ug/l
Date criteria derived: August 10, 1993
Applicable waterbodies:

CAS #56-55-3

Not used during this period.

Chemical: Benzo(a)pyrene
Human health criterion (HNC): 0.01 ug/l
Date criteria derived: August 10, 1993
Applicable waterbodies:

CAS #50-32-8

Not used during this period.

Chemical: Benzo(b)fluoranthene
Human health criterion (HNC): 0.01 ug/l
Date criteria derived: August 10, 1993
Applicable waterbodies:

CAS # 205-99-2

Not used during this period.

Chemical: Benzo(k)fluoranthene
Human health criterion (HNC): 0.01 ug/l
Date criteria derived: August 10, 1993
Applicable waterbodies:

CAS #207-08-9

Not used during this period.

Chemical: Carbon tetrachloride

CAS #56-23-5

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Acute criterion: 3,500 ug/l
Human health criterion (HNC): 1.4 ug/l
Date criteria derived: June 18, 1993
Applicable waterbodies:

Chronic criterion: 280 ug/l

Not used during this period.

Chemical: Chlorobenzene
Acute criterion: 993 ug/l
Date criteria derived: December 11, 1991
Applicable waterbodies:

CAS #108-90-7
Chronic criterion: 79 ug/l

Not used during this period.

Chemical: Chloroform
Acute criterion: 1,870 ug/l
Human health criterion (HNC): 130 ug/l
Date criteria derived: October 26, 1992
Applicable waterbodies:

CAS #67-66-3
Chronic criterion: 150 ug/l

Not used during this period.

Chemical: Chrysene
Human health criterion (HNC): 0.01 ug/l
Date criteria derived: August 10, 1993
Applicable waterbodies:

CAS #218-01-9

Not used during this period.

Chemical: 1,2-dichlorobenzene
Acute criterion: 210 ug/l
Date criteria derived: December 1, 1993
Applicable waterbodies:

CAS #95-50-1
Chronic criterion: 16.8 ug/l

Not used during this period.

Chemical: 1,3-dichlorobenzene
Acute criterion: 500 ug/l
Date criteria derived: July 31, 1991
Applicable waterbodies:

CAS #541-73-1
Chronic criterion: 196 ug/l

Not used during this period.

Chemical: 1,2-dichloroethane
Acute criterion: 24,900 ug/l
Human health criterion (HNC): 23 ug/l

CAS #107-06-2
Chronic criterion: 4,540 ug/l

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Date criteria derived: March 19, 1992
Applicable waterbodies:

Not used during this period.

Chemical: 1,1-dichloroethylene

Acute criterion: 3,030 ug/l

Human health criterion (HNC): 0.95 ug/l

Date criteria derived: March 20, 1992

Applicable waterbodies:

Not used during this period.

Chemical: 2,4-dichlorophenol

Acute criterion: 631 ug/l

Date criteria derived: November 14, 1991

Applicable waterbodies:

Not used during this period.

Chemical: 1,2-dichloropropane

Acute criterion: 4,800 ug/l

Date criteria derived: December 7, 1993

Applicable waterbodies:

Not used during this period.

Chemical: 1,3-dichloropropylene

Acute criterion: 99 ug/l

Date criteria derived: November 13, 1991

Applicable waterbodies:

Not used during this period.

Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol

CAS #534-52-1

Chronic criterion: 2.3 ug/l

Acute criterion: 28.8 ug/l

Date criteria derived: November 4, 1991

Applicable waterbodies:

Not used during this period.

Chemical: 2,4-dinitrophenol

Acute criterion: 85.3 ug/l

Date criteria derived: December 1, 1993

Applicable waterbodies:

CAS #51-28-5

Chronic criterion: 4.07 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Not used during this period.

Chemical: 2,6-dinitrotoluene

Acute criterion: 1,910 ug/l

Date criteria derived: February 14, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Diquat

Acute criterion: 1,330 ug/l

Date criteria derived: January 30, 1996

Applicable waterbodies:

Not used during this period.

Chemical: Ethylbenzene

Acute criterion: 216 ug/l

Date criteria derived: August 15, 1990, revised May 17, 1991

Applicable waterbodies:

CAS #100-41-4

Chronic criterion: 17.2 ug/l

05120114-0731/off Brush Creek

07090005-0054/off South Fork Kent Creek

07120004-0011/off Des Plaines River

07120004-0012/off Des Plaines River

07120004-0017/off DuPage River

07120006-1045/off Squaw Creek

07140106-0005/off Piles Fork Creek

Chemical: Fluoranthene

Human health criterion (HTC): 120 ug/l

Date criteria derived: August 10, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Hexachlorobenzene

Human health criterion (HNC): 0.00025 ug/l

Date criteria derived: November 15, 1991

Applicable waterbodies:

Not used during this period.

Chemical: Hexachlorobutadiene

Acute criterion: 34.5 ug/l

CAS #87-68-3

Chronic criterion: 2.76 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Date criteria derived: March 23, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Hexachloroethane

Acute criterion: 381 ug/l

Human health criterion (HNC): 2.9 ug/l

Date criteria derived: November 15, 1991

Applicable waterbodies:

Not used during this period.

Chemical: Isobutyl alcohol = 2-methyl-1-propanol

CAS #67-72-1

Chronic criterion: 30.5 ug/l

Acute criterion: 434 mg/l

Date criteria derived: December 1, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Methylene chloride

Acute criterion: 17,200 ug/l

Human health criterion (HNC): 340 ug/l

Date criteria derived: January 21, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Methyl ethyl ketone

Acute criterion: 322,000 ug/l

Date criteria derived: July 1, 1992

Applicable waterbodies:

Not used during this period.

Chemical: 4-methyl-2-pentanone

Acute criterion: 46 mg/l

Date criteria derived: January 13, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Naphthalene

Acute criterion: 670 ug/l

Date criteria derived: November 7, 1991

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies:

Not used during this period.

Chemical: 4-nitroaniline

Acute criterion: 1.5 mg/l

Date criteria derived: May 5, 1996

Applicable waterbodies:

Not used during this period.

Chemical: Nitrobenzene

Acute criterion: 15.4 mg/l

Human health criterion (HTC): 0.52 mg/l

Date criteria derived: February 14, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Pentachlorophenol

Acute criterion: 20 ug/l

Date criteria derived: national criterion, September 1986

Applicable waterbodies:

Not used during this period.

Chemical: Phenanthrene

Acute criterion: 46 ug/l

Date criteria derived: October 26, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Pyrene

Human health criterion (HTC): 3,500 ug/l

Date criteria derived: December 22, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Tetrachloroethylene

Acute criterion: 1,220 ug/l

Date criteria derived: March 23, 1992

Applicable waterbodies:

Not used during this period.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Tetrahydrofuran
Acute criterion: 216,000 ug/l
Date criteria derived: March 16, 1992
Applicable waterbodies:

CAS #109-99-9
Chronic criterion: 17,300 ug/l

Not used during this period.

Chemical: Toluene

Acute criterion: 8,080 ug/l
Date criteria derived: August 16, 1990, revised May 17, 1991 and January 26, 1993
Applicable waterbodies:

CAS #108-88-3
Chronic criterion: 646 ug/l

05120114-0731/off Brush Creek
07090005-0054/off South Fork Kent Creek
07120004-0011/off Des Plaines River
07120004-0012/off Des Plaines River
07120004-0017/off DuPage River
07120006-1045/off Squaw Creek
07140106-0005/off Piles Fork Creek

Chemical: 1,2,4-trichlorobenzene

Acute criterion: 353 ug/l
Date criteria derived: December 14, 1993
Applicable waterbodies:

CAS #120-82-1
Chronic criterion: 69.2 ug/l

Not used during this period.

Chemical: 1,1,1-trichloroethane

Acute criterion: 4,910 ug/l
Date criteria derived: October 26, 1992
Applicable waterbodies:

CAS #71-55-6
Chronic criterion: 393 ug/l

Not used during this period.

Chemical: 1,1,2-trichloroethane

Acute criterion: 19,000 ug/l
Human health criterion (HNC): 12 ug/l
Date criteria derived: December 13, 1993
Applicable waterbodies:

CAS #79-00-5
Chronic criterion: 3,540 ug/l

Not used during this period.

Chemical: Trichloroethylene

Acute criterion: 11,700 ug/l

CAS #79-01-6
Chronic criterion: 940 ug/l

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Date criteria derived: October 23, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Xylenes

Acute criterion: 1,500 ug/l
Date criteria derived: August 23, 1990
Applicable waterbodies:

CAS # 1330-20-7
Chronic criterion: 117 ug/l

05120114-0731/off Brush Creek
07090005-0054/off South Fork Kent Creek
07120004-0011/off Des Plaines River
07120004-0012/off Des Plaines River
07120004-0017/off DuPage River
07120006-1045/off Squaw Creek
07140106-0005/off Piles Fork Creek

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Bob Mosher

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: 20 ILCS 2515

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Third Quarter of 1998. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Addition Modifications	Property Factor
Bond Premium Amortization	Sales Factor
Dividends	Transportation Services
Interest	Other Rulings
Net Operating Loss	(Not Included Above)
Zero Coupon Bonds	Assessment
Other Rulings	Bankruptcy
(Not Included Above)	Base Income
Administrative Review	(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)
Allocation	Books and Records
(For Alternative Apportionment Rulings, See that heading)	Bulk Sales: See Sales Outside the Ordinary Course of Business (Bulk Sales)
Alternative Apportionment	Business Income
Amnesty	Capital Gains (Losses)
Financial Organizations	
Insurance Companies	

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Payroll Factor	Farmers: See Estimated Tax
(Also See Subtraction Modifications - Valuation Limitations)	Federal Returns
Check Off Funds	Fiduciaries
Circuit Breaker	Financial Organizations: See Apportionment
Claims for Refund: See Refunds	Foreclosure
Collection	Foreign Sales Corporations (FSC's)
Combined Unitary Return (Also See Unitary)	Foreign Tax: See Credits
Commercial Domicile	Foreign Trade Zones: See Subtraction Modifications, Credits--Jobs Tax Forms
Compensations	Insurance Companies: See Apportionment
Composite Returns	Interest Income
Confidentiality	(Also See Addition Modifications, Subtraction Modifications)
Credits	Interest on Refunds and Deficiencies
Coal Research and Utilization	IRC 338
Credit for Replacement Tax Paid	Jeopardy: See Assessment
Credit for Residential Real Property Taxes	Judicial Review
Enterprise Zone Investment	Liens
Foreign Tax	Limited Liability Companies
High Impact Business Investment	Lottery
Jobs Tax	Military
Replacement Tax Investment	(Also See Subtraction Modifications)
Research and Development	Miscellaneous
Training Expense	Modification Addition: See Addition Modifications
Other Rulings	Modification Subtraction: See Subtraction Modifications
(Not Included Above)	Mutual Funds: See Subtraction Modifications
Deficiencies	Net Income (Loss) and Net Loss Deduction (ITRA 207)
Definitions	Other Rulings
Domestic International Sales Corporations (DISCs)	Regulated Investment Companies
Elections: See Combined Unitary Return, Extensions, Unitary	Replacement Tax
Enterprise Zones	
(Also See Credits, Subtraction Modifications)	
Erroneous Refund: See Refunds	
Estates	
Estimated Tax	
Exempt Organizations	
Exemptions	
Extensions	
Failure to File: See Penalties	
Failure to Pay: See Penalties	
(Also See Base Income, Capital Gains (Losses), Combined Unitary	

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Returns, Net Operating Loss and Net Operating Loss Deduction
 Net Operating Loss and Net Operating Loss Deduction
 Nexus: See Public Law 86-272/Nexus
 Nonbusiness income
 Nonresidents: See
 Residency/Nonresidency
 Notice and Demand: See Notices
 Notices
 Nuclear Decommissioning
 Trusts
 Overpayments: See Refunds
 Partnerships
 Payments:
 Payroll Factor: See Apportionment Penalties
 Failure to File (IITA Section 1001)
 Failure to File Withholding Returns (IITA Section 1004)
 Failure to Pay (IITA Section 1002)
 Failure to Pay Estimated Tax (IITA Section 804)
 Fraud (IITA Section 1002)
 Reasonable Cause (IITA Section 1001)
 Underpayment of Tax (IITA Section 1005)
 Other Rulings
 (Not Included Above)
 Pensions
 (Also See Subtraction Modifications)
 Political Organizations
 Professional Athletes
 Property Factor: See Apportionment
 Property Tax: See Subtraction Modifications
 Protest
 Public Law 86-272/Nexus
 Rate of Tax
 Real Estate Investment Trusts
 Reasonable Cause: See Penalties
 Refunds (Also See Subtraction Modifications)
 Statute of Limitations
 Qualified Pension Plans
 Real Estate Taxes
 Subpart F Income
 Transportation Services
 Valuation Limitation
 (Also See Credits)
 Requirements of Requests for General Information Letters
 Requirements of Requests for Private Letter Rulings
 Residency/Nonresidency Returns
 (For Combined Unitary Return and Composite Return Rulings, See Those Headings)
 Amended Returns
 Due Dates
 Requirements to File
 Short Period Returns
 Other Rulings
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 S Corporations
 Sales Factor: See Apportionment
 Sales Outside the Ordinary Course of Business (Bulk Sales)
 Seizure
 Separate Accounting: See Alternative Apportionment
 Signature
 Specific Accounting
 Statute of Limitations: See Assess-ment, Collection, Deficiencies
 Refunds
 Subchapter "S" Corporations: See S Corporations
 Subpart F Income: See Subtraction Modifications
 Subtraction Modifications
 Bond Premium Amortization
 Enterprise and Foreign Trade Zones
 Illinois Tax Refund
 Interest on U.S. Government Obligations
 Military
 Money Market Mutual Funds
 Unitary
 (Also See Combined Unitary Return)
 U.S. Government Obligations: See Subtraction Modifications
 Valuation Limitation: See Subtraction Modifications
 Voluntary Disclosure Agreements

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Other Rulings
 (Not Included Above)
 Taxability in Other States
 Taxable year
 Transferees
 (Also See Sales Outside the Ordinary Course of Business (Bulk Sales))
 Transportation Services: See Apportionment
 Trusts (Not Included Above)
 Uniform Penalty and Interest Act
 Waiver on Assessments: See Assessment
 Withholding
 Employee Benefits
 Exemptions
 Personal Service Contracts (IITA 1405.2)
 Reciprocal Agreements
 Other Rulings

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, and 1996 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
 Legal Services Office
 101 West Jefferson Street
 Springfield, Illinois 62794
 Telephone: (217) 782-6996

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APPORTIONMENT - FINANCIAL ORGANIZATIONS

IT 98-0007-PLR 08/18/1998 Private Letter Ruling: Apportionment - Financial Organizations - Private Letter Ruling. Ruling on definition of "sales finance company" and on application of financial organization apportionment formula.

APPORTIONMENT - INSURANCE COMPANIES

IT 98-0064-GIL 07/31/1998 General Information Letter: Repeal of letter ruling IT 92-0022, dealing with inclusion of "deposit-type funds" in the apportionment factor.

APPORTIONMENT - PROPERTY FACTOR

IT 98-0062 GIL 07/22/1998 General Information Letter: Inclusion of fully-depreciated rental property in Illinois property factor.

BASE INCOME

IT 98-0060-GIL 07/13/1998 General Information Letter: Inclusion of payments from annuity purchased by an estate.

IT 98-0061-GIL 07/16/1998 General Information Letter: Taxation of income from in-home business.

BUSINESS INCOME

IT 98-0065-GIL 08/03/1998 General Information Letter: Definition and apportionment of business income.

IT 98-0066-GIL 08/10/1998 General Information Letter: Definition and apportionment of business income.

COMPENSATION

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IT 98-0074-GIL 09/14/1998 General Information Letter: Compensation of nonresident employee who provides no services in Illinois and is not directed or controlled from Illinois is not subject to Illinois income tax.

CREDITS - ENTERPRISE ZONE INVESTMENT

IT 98-0008-PLR 08/20/1998 Private Letter Ruling: Ruling on property used by taxpayer in other state prior to being placed in service in Illinois.

CREDITS - REPLACEMENT TAX INVESTMENT

IT 98-0008-PLR 08/20/1998 Private Letter Ruling: Ruling on property used by taxpayer in other state prior to being placed in service in Illinois.

DEFINITIONS

IT 98-0070-GIL 08/17/1998 General Information Letter: Characterization of limited liability company as corporation.

EXEMPT ORGANIZATIONS

IT 98-0063-GIL 07/28/1998 General Information Letter: Taxation of unrelated business income of cemeteries.

IT 98-0075-GIL 09/16/1998 General Information Letter: Tax issues arising from foreign not-for-profit organization conducting activities within Illinois.

RETURNS - OTHER RULINGS

IT 98-0073-GIL 09/11/1998 General Information Letter: No information reporting requirements for dividends, interest, original issue discount or IRA distributions.

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S CORPORATIONS

IT 98-0057-GIL 07/09/1998 General Information Letter: Tax treatment of qualified Subchapter S subsidiaries.

SUBTRACTION MODIFICATIONS - OTHER RULINGS

IT 98-0056-GIL 07/01/1998 General Information Letter: Allowance of subtraction modification for College Savings Bonds.

IT 98-0058-GIL 07/10/1998 General Information Letter: Inquiry regarding income exempt from Illinois Income Tax.

IT 98-0071 GIL 09/02/1998 General Information Letter: Subtraction modification allowed for portion of wages expense not deducted federally because of empowerment zone credit.

SUBTRACTION MODIFICATIONS - PENSIONS

IT 98-0009 PLR 09/01/1998 Private Letter Ruling: Subtraction for early retirement payments to public school teacher.

IT 98-0067-GIL 08/10/1998 General Information Letter: Military retirement pay.

IT 98-0069-GIL 08/13/1998 General Information Letter: Military retirement pay.

UNITARY

IT 98-0068-GIL 08/11/1998 General Information Letter: Application of 80-20 test to corporation governed by federal income tax treaty.

WITHHOLDING - EMPLOYEE BENEFITS

IT 98-0072-GIL 09/11/1998 General Information Letter: No

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withholding or information reporting required for qualified retirement plan payments.

WITHHOLDING - OTHER RULINGS

IT 98-0059-GIL 07/13/1998 General Information Letter: Withholding on nonresident alien farm workers.

GUARDIANSHIP AND ADVOCACY COMMISSION

JANUARY 1999 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Fee Schedule for the Office of the State Guardian, 59 Ill. Adm. Code 301

1) Rulemaking:

- A) Description: The Guardianship and Advocacy Commission (GAC) is preparing a rulemaking proposal that would amend the existing regulations addressing the fee schedule for the Office of the State Guardian. The prospective amendments under development by GAC would make changes to the fee schedule. The existing fee schedule was last amended November 15, 1990.

- B) Statutory Authority: Section 5 of the Guardianship and Advocacy Act [20 ILCS 3955/5]

- C) Scheduled meeting/hearing dates: None are scheduled at this time. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

- D) Date agency anticipates First Notice: March 30, 1999

- E) Affect on small business, municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

Ms. Amy Kreidler
Illinois Guardianship and Advocacy Commission
Office of the Director
421 East Capitol Avenue
Suite 205
Springfield, Illinois 62701-1711
(217) 785-8981
(312) 793-5937 (TDD)

- G) Related Rulemaking and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Legal Advocacy Service, 59 Ill. Admin. Code 350

1) Rulemaking:

- A) Description: The Guardianship and Advocacy Commission (GAC) is preparing a rulemaking proposal that would amend the existing regulations addressing the sliding fee schedule for legal services. The prospective amendments under development by GAC

GUARDIANSHIP AND ADVOCACY COMMISSION

JANUARY 1999 REGULATORY AGENDA

- would make changes to the fee schedule of the Legal Advocacy Service. The existing fee schedule was last amended September 10, 1984.

- B) Statutory Authority: Section 5 of the Guardianship and Advocacy Act [20 ILCS 3955/5]

- C) Scheduled meeting/hearing dates: None are scheduled at this time. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

- D) Date agency anticipates First Notice: March 30, 1999

- E) Affect on small business, municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

Ms. Amy Kreidler
Illinois Guardianship and Advocacy Commission
Office of the Director
421 East Capitol Avenue
Suite 205
Springfield, Illinois 62701-1711
(217) 785-8981
(312) 793-5937 (TDD)

- G) Related Rulemaking and other pertinent information: None

PROPERTY TAX APPEAL BOARD

JANUARY 1999 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Practice and Procedure for Hearings Before the Property Tax Appeal Board, 86 Ill. Adm. Code 1910.

1) Rulemaking

- A) Description: There are no proposed rules anticipated by the Property Tax Appeal Board.

- B) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195

- C) Scheduled meeting/hearing date: No hearings scheduled or anticipated.

- D) Date agency anticipates First Notice: None

- E) Effect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

James W. Chipman
Executive Director
Property Tax Appeal Board
Rm. 402, Stratton Office Building
401 S. Spring St.
Springfield, Illinois 62706
(217) 782-6076

- G) Related rulemaking and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 8, 1998 through December 14, 1998 and have been scheduled for review by the Committee at its January 12, 1999 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
1/21/99	Illinois Board of Higher Education, State Matching Grant Program (23 Ill Adm Code 1038)	10/23/98 22 Ill Reg 19151	1/12/99
1/23/99	Department of Natural Resources, Conservation Reserve Enhancement Program (CREP) (17 Ill Adm Code 1515)	10/9/98 22 Ill Reg 17436	1/12/99
1/23/99	Department of Natural Resources, Plugging and Restoration Contracts (44 Ill Adm Code 610)	8/14/98 22 Ill Reg 14598	1/12/99
1/24/99	Department of Human Services, Access to Public Records (2 Ill Adm Code 1176)	10/16/98 22 Ill Reg 18829	1/12/99
1/24/99	Department of Professional Regulation, Funeral Directors and Embalmers Licensing Code (68 Ill Adm Code 1250)	10/23/98 22 Ill Reg 19219	1/12/99
1/27/99	Department of Children and Family Services, Interstate Placement of Children (89 Ill Adm Code 328)	9/25/98 22 Ill Reg 16691	1/12/99

Rules acted upon during the period from October 16 (Issue 42, 1998) through December 28, 1998 (Issue 52) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

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ILLINOIS REGISTER
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OR FAX: (217) 854-0308

GEORGE H. RYAN
SECRETARY OF STATE
INDEX DEPARTMENT
111 E. MONROE
SPRINGFIELD, IL 62756

